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TO THE

REPORTS OF THE COMMITTEES

OF

THE SENATE OF THE UNITED STATES,

FOR THE

SECOND SESSION OF THE FORTY-SECOND CONGRESS.

1871-'72.

IN FOUR VOLUMES.

Volume 1 contains Nos. 6 to 232, inclusive, except Nos. 41, 183, and 227.
Volume 2 contains No. 41, Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.
Volume 3 contains No. 183.
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TO

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FOR THE

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:D CONGRESS, 2d Session. } SENATE. { REPORT No. 41, pt. 6.

TESTIMONY

TAKEN BY

THE JOINT SELECT COMMITTEE

TO INQUIRE INTO

HE CONDITION OF AFFAIRS

IN

THE LATE INSURRECTIONARY STATES.

GEORGIA.

VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1872.

THE KU-KLUX CONSPIRACY.

This report consists of thirteen volumes.

Volume I contains the report of the committee and the views of the minority.

Volume II contains the testimony taken by the committee in relation to North Carolina, and the report of the trials in the United States circuit court held at Raleigh, North Carolina.

Volumes III, IV, and V contain testimony taken by the committee in relation to South Carolina, and the report of the trials in the United States circuit court held at Columbia, South Carolina. Index to the three volumes is contained in volume III.

Volumes VI and VII contain testimony taken by the committee in relation to Georgia. Index is contained in volume VI.

Volumes VIII, IX, and X contain testimony taken by the committee in relation to Alabama. Index is contained in volume VIII.

Volumes XI and XII contain testimony taken by the committee in relation to Mississippi. Index is contained in volume XI.

Volume XIII contains miscellaneous testimony taken by the committee, testimony in relation to Florida, and miscellaneous documents.

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TESTIMONY.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

GEORGIA.

WASHINGTON. D. C., *July* 7, 1871.

ALFRED RICHARDSON (colored) sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you live?

Answer. In Clarke County, Georgia.

Question. What is your age?

Answer. About thirty-four years.

Question. Were you born in that county?

Answer. No, sir; in Walton County, the adjoining county to Clarke.

Question. Were you born a freeman or a slave?

Answer. I was born a slave.

Question. Did you remain a slave until the general emancipation?

Answer. Yes, sir.

Question. What was your master's name?

Answer. William Murray.

Question. Were you ever owned by any other master?

Answer. I was born the property of his mother-in-law. She owned me until I was about seven years old. She got in debt some way or other, and he bought me and the rest of the family all in.

Question. Did he live in the same place where you now live?

Answer. Yes, sir; he is living in the same place.

Question. Since you became a freeman what have you been doing?

Answer. I have been house-carpentering.

Question. Have you a family?

Answer. Yes, sir.

Question. Of how many does your family consist?

Answer. My wife and three children.

Question. Since you became a freeman have you voted?

Answer. Yes, sir.

Question. With what party have you voted?

Answer. The republican party.

Question. State to the committee whether you have been attacked in any way by anybody; if so, when and how. Tell us the whole story about it.

Answer. Yes, sir; I was attacked twice. The first time was just before last Christmas; I cannot recollect exactly what day.

Question. Tell us all the particulars.

Answer. There was a set of men came down to about a quarter of a mile of where I live. They were all disguised. They had taken out an old man by the name of Charles Watson. They commenced beating him. His wife and children all ran out, and screamed and hallooed for help to stop the men from beating him to death. We, who were in town, came out to see what was the matter.

Question. You heard the outcry?

Answer. Yes, sir, and came out to see what was the matter. We went up the street a piece, out on the edge of the town, and heard a great parcel of men talking beside the fence. It was the Ku-Klux, who had this old man down in the corner of the fence, knocking him and telling him he had to tell where Alfred Richardson was, and had to go with them to his house and show how he was fixed up. The old man seemed to be sort of dilatory in telling them, and they rapped him over the head again and told him he had to go.

Question. They wanted him to tell where you were?

Answer. Yes, sir; they wanted him to tell where I was, and how I was fixed up; they said he had to go and get me out. In the mean time, while they were telling him this, a crowd of boys came on behind me, and we all ran up, after we heard what they were

up to. They all broke and ran, and carried this old man with them. We followed them to the forks of the road, about three hundred yards from where we met them. They all stopped and got over into the field, taking the old man with them. I ran up, and looked first up one road and then the other, to see which way they had gone. I could not see anybody for a long time; a cloud had got over the moon. After a while I saw one fellow slipping alongside the fence. He had a pistol in his hand, as if to shoot me. When I saw him doing that, I took my pistol, and shot at him. When I shot at him there were three or four men who shot me from through the fence. I did not see them. They shot about twenty shots into my leg and hip. I went off home, and went to the doctor's office. The doctor examined me, and fixed my wounds up. In three or four days I got so that I could travel very well. Things went on till after Christmas. On the 18th of January a man by the name of John O. Thrasher came to me ——

Question. Was he a white man?

Answer. Yes, sir; a very wealthy man. He came to me. My brother was keeping a family grocery; and I was in with him. I did not stay in the store; I worked at my trade.

Question. Were you a partner in the concern?

Answer. Yes, sir. This man told me, "There are some men about here that have something against you; and they intend to kill you or break you up. They say you are making too much money; that they do not allow any nigger to rise that way: that you can control all the colored votes; and they intend to break you up, and then they can rule the balance of the niggers when they get you off." He said, "They said they wanted me to join their party, but I told them I did not want to do it; I never knew you to do anything wrong, and these are a parcel of low-down men, and I don't want to join any such business; but I tell you, you had better keep your eyes open, for they are after you." He talked to me about it that evening for three or four hours. I told him I didn't know why they had anything against me. I talked to the ordinary, and the clerk of the court, and several other citizens. They said they didn't see why anybody wanted to interrupt me; that I had always kept the peace between the colored and the white people; that when there was a fuss I was the only man that could break it up and make the colored people behave themselves; that they hated to let me go away. I talked with all the citizens, and they told me they did not see why anybody had anything against me. I said, "I am told that some men are coming to kill me or run me off, and I think I had better go away. I don't know whether I can stay safely." They told me, "No, don't move away; they are just talking that way to scare you, I reckon." The same night this man was telling me that, I went to bed about 9 o'clock. Between 12 and 1 o'clock these men came; there were about twenty or twenty-five of them, I reckon. About eight or ten of them got abreast and ran against my door. I sort of expected them, and had my door barred very tight; I had long staples at the side, and scantling across the door. They ran against the door and tried to burst it in. They could not do it. One fellow had a new patent ax with him; and he commenced cutting down the door. One lit a candle and put it down in the piazza; the other man cut the door till he cut it down. I stood and looked at him until he cut it spang through. Then I thought I had better go up-stairs. I did so. I thought I would stand at the head of the stair-steps and shoot them as they came up. But they broke in the lower door and came up-stairs firing in every direction. I could not stand in the stairway to shoot at them. I had some small arms back in the garret. There was a door up there about large enough for one man to creep in. I thought I had better go in there, and maybe they would not find me—probably they would miss me, and I could make my escape. They all came up-stairs. My wife opened the window to call out for help, and a fellow shot at her some twelve or fifteen times through that window while she was hallooing. A whole crowd came up, and when they saw that window open, they said, "He has jumped out of the window," and they hallooed to the fellows on the ground to shoot on top of the house. Thinking I had gone out the window, they all went down-stairs except one man. He went and looked in the cuddy-hole where I was, and saw me there. He hallooed to the rest of the fellows that he had found me; but they had got down-stairs, and some of them were on the piazza. Then he commenced firing, and shot me three times. He lodged two balls in my side, and one in the right arm. That weakened me pretty smartly. After he had shot his loads all out, he said to the rest of them, "Come back up here; I have got him; and I have shot him, but he is not quite dead; let us go up and finish him." I crept from the door of the little room where I was to the stairway; they came up-stairs with their pistols in their hands, and a man behind with a light. I shot one of them as he got on the top step. They gathered him up by the legs; and then they all ran and left me. I never saw any more of them that night; and I have not seen them since. I have heard talk of them; and they say they will have me, they don't care where I go. After that they attacked a man five miles from town—a man who was raised in the county where I was. I think he was born about the mountains, and brought down to Clarke County when he was a little child. He was an orphan boy—had no mother—

and was brought down to old man Durham's, and he staid there till he was a young man. I think he was twenty-four or twenty-five years old.

Question. What was his name?

Answer. James Ponder.

By Mr. POOL:

Question. Was he killed?

Answer. Yes, sir; I think he was killed dead.

By the CHAIRMAN, (Mr. POLAND:)

Question. How large a number of men do you think were about your house on that night?

Answer. As near as I could judge from the noise about the house, I thought there were twenty or twenty-five. Some people say there were thirty or forty, and some say fifteen or twenty. I allow there were twenty or twenty-five.

Question. You did not have an opportunity to count them?

Answer. O, no, sir; they had me in too hot a place for me to count them.

Question. Were those men disguised?

Answer. Yes, sir; I think I saw only about one that had no disguise on.

Question. How were they disguised?

Answer. Some had on the regular old-fashioned doeface; some had on black cambric, with eye-holes, and tied around the face; some wore cambric caps. I have two of those caps in my trunk; and I have one of their little horns that they carry about and blow. I have, too, a long white gown in my trunk at my boarding-house. I have got seven of their caps. A part of them were found at a man's plantation—about his barn or shuck-house. Some of them were brought to me, and some were dropped there in the yard. Some three of the caps I got out of the yard there at my house. I have one of the little horns that they blow when they are gathering, or when they get scattered and want to blow one another together?

Question. Did those men say anything to you that night?

Answer. No, sir; they never said a word. When they ran against the door, I asked who was there. They said, "Never mind; God damn you, we'll show you who it is; we'll have you to night." When the man found me in that room, he said, "God damn you, I 've got you," and then he commenced firing.

Question. He did not say what it was for?

Answer. No, sir.

Question. The first time you saw these men when they had that old man, were those you saw in disguise?

Answer. O, yes, sir; they were disguised.

Question. They wanted him to go and show where you were, and how you were fixed up?

Answer. Yes, sir; they said he had to go and show them where I was.

Question. What did they mean by saying he must show them how you were fixed up?

Answer. They wanted to know whether I had any guns, or whether my door was barred. Generally there, when people go round to whip and beat of nights, if a door has got a common catch on it, five or six men run against it, and burst it right in; and before a man can get out of bed to get hold of anything to fight with, they are right on him.

Question. Were you wounded on that first night?

Answer. Yes, sir; I was shot in the right leg from my ankle up to my thigh.

Question. How many shots did you receive at that time?

Answer. I think about twenty shots—small shot; I mean there were twenty shot-holes.

By Mr. BECK:

Question. All from one firing?

Answer. I think there were about two men that shot at one time.

By the CHAIRMAN, (Mr. POLAND:)

Question. They were small shot?

Answer. Yes, sir.

Question. You mean that twenty different shot went into your leg?

Answer. Yes, sir; I was not shot twenty times.

Question. You suppose that they came from two discharges?

Answer. Yes, sir; the last time I was shot it was with pistol balls—three of them—two in my side, and one in my arm.

Question. Did you hear what those men said on the first night?

Answer. Yes, sir.

Question. What did you hear them say?

Answer. I heard them say to this old man that he had to tell them where I was, and how I was fixed up.

Question. What had they against that old man?

Answer. Well, I don't know. They said that he had stolen something from somebody down by where he lived. I did not know anything about where he lived. He was working fifteen miles from where his home was.

Question. He did not live in your town?

Answer. No, sir. His wife staid up close to me—I suppose three or four hundred yards from me; but he was working fifteen miles away. I think he was working in Greene County.

Question. His wife lived near you?

Answer. Yes, sir; she lived in the town where I lived.

Question. And that was his home?

Answer. Yes, sir.

Question. But he had been working fifteen miles away?

Answer. Yes, sir. He bought a piece of ground up there, and put his wife in a house he built there. He worked all through the settlement.

Question. What was said about his stealing something?

Answer. They said he stole a beef, and they were coming up there to whip him for it. That was all they said after I got wounded; that I ought not to have come out—that they were not after me, but after this old man who stole a beef.

Question. Did these men come from fifteen miles away?

Answer. O, yes, sir; one man came nearly twenty miles. The man who got shot came ten miles.

Question. What did they want with you if they came merely for this old man?

Answer. Well, that is the question. They were after me at first; but that was the turn-off they had.

Question. When they came to this old man, was the first thing they wanted of him that he should go and show where you were?

Answer. Yes, sir. His wife and all the citizens living right around came out when they heard him hallooing; and they say the men never named anything to him about anything he had done, but commenced knocking him, and asking him where I was, saying that he must go and show them where I was. They asked him, too, how he voted, and told him if he ever voted any other ticket besides the democratic ticket, they would kill him.

Question. What did they do to him?

Answer. They knocked him some over the head, and commenced leading him down the road toward my house. They had got half way down from his house to mine.

Question. When you heard them?

Answer. Yes, sir. They were leading him on. Some of the crowd said to the others, "Don't knock him any more; he'll holler so as to disturb all the others down here, and they will all get waked up before you get there." Then they stopped knocking him, and commenced talking to him.

Question. Did all the men come from a distance of twenty miles?

Answer. No, sir; it is supposed among citizens that some of them did not live more than four or five miles from town. I don't believe myself, and I never found anybody else that believed, it was any of the citizens of the place where I live.

Question. You do not think it was anybody living in the immediate neighborhood?

Answer. No, sir; I don't think it was anybody living less than five or six miles away.

Question. Where did the man you shot live?

Answer. Close to the edge of Greene County, about ten miles from where I live.

Question. Were you acquainted with him?

Answer. Yes, sir; I had seen him, but I had not been with him lately. I knew him when he was a boy.

Question. How old was he?

Answer. About twenty-four or twenty-five years old, I reckon.

Question. He was some ten years younger than you?

Answer. Yes, sir.

Question. Do you know who any others of the party were?

Answer. No, sir; I do not know for certain who they were. I did think I knew some by the voice; but I knew that would not be worth anything in court.

Question. Had you had any trouble or difficulty with the man you shot?

Answer. No, sir; I never had a cross word with him nor with any other white man in the county, so far as I know.

Question. You never had any quarrel with anybody?

Answer. No, sir.

Question. Since you became a freeman you have been at work at your trade as a house carpenter?

Answer. Yes, sir. I worked on until 1868; and I have been working off and on ever since. In 1868 I was elected a member of the legislature. I was turned out the first session, but was reseated. I served out that session and went home. The ordinary and clerk of the court hired me to fix up the court-house and the county building.

Question. Is that the county seat where you live?

Answer. Yes, sir. I was engaged at my work all the time then.

Question. That was work in your line of trade?

Answer. Yes, sir.

Question. How long have you and your brother been connected in the grocery business?

Answer. About one year, I think.

Question. You were a partner with your brother, but did not have anything to do with the actual management of the business?

Answer. No, sir; he managed all the business.

Question. But you had an interest in it?

Answer. Yes, sir.

Question. What was this man's name that came and talked with you, just before y.. were attacked at your house?

Answer. His name is John O. Thrasher.

Question. Does he live in your town?

Answer. No, sir; about two miles from town. He came in every day.

Question. Is he a farmer?

Answer. Yes, sir; he is a heavy farmer; he has got three or four plantations.

Question. Of what politics is he?

Answer. He is, I suppose, a democrat. He is a very clever man, though, to the colored people.

Question. He was friendly with you?

Answer. Yes, sir; he was very friendly with me. He was as good to me as a man could be.

Question. You had conversation with several people of your town in regard to the attack on you?

Answer. Yes, sir; I talked with several of the citizens all round; I talked with almost all of them. None of them could see what these men had against me. After the fuss was over I met several leading citizens of the place, and they told me they had met several people and had asked what in the world the Ku-Klux were after me for, and they said, "We cannot tell; you will have to go to somebody else; we cannot see what they are after him for; there is nothing that he has ever done, more than that he was a member of the legislature." Doctor Durham said he expected my politics was at the head of it; he did not know anything else.

Question. He thought the attack was on account of your politics?

Answer. Yes, sir.

Question. Is it true that you have been somewhat of a leader among the colore people of your immediate neighborhood?

Answer. Yes, sir; I was one of the leaders.

Question. Have the colored people in your section been guilty of any outrages tow anybody?

Answer. No, sir; I have heard of none.

Question. What course have you taken with them; how have you advised the relation to their behavior and conduct?

Answer. Well, I always told them to treat everybody gentlemanly, and never any difficulties with the white people. I would come up sometimes when there would be a fuss with white men, round the bar-rooms and places, and I would tell the colored men to break it up and quit fussing. I could control almost all of them, and make them quit fusses, whenever I came across them.

Question. So far as you had any control, or could exercise any influence, you endeavored to make all your people behave quietly and peaceably, and respect the rights of other people there?

Answer. O, yes, sir; I can get a recommendation signed for that from every man in that place. The clerk, the ordinary, and all the rest will say that any day I ask them.

Question. When this band of disguised men came there and took out this old man, was that the first time that any body of disguised men had appeared in your vicinity?

Answer. No, sir. It was the first time they ever came to town; but they had been all through the settlement for some time, and whipped and knocked the people about. There had been nobody shot, I believe, before that. There had been whippings round through the country—none closer than seven or eight miles from town.

Question. How long is it since bands of disguised men began to appear in your county?

Answer. Something better than a year, I think.

Question. Can you tell any instances where they abused anybody?

Answer. Yes, sir; they got hold of a man down about Farmington, about seven miles from the town I live in. There was a man there by the name of Hilliard Poldo, a colored man. He was working on the road, and he got into a quarrel with a white man named Middlebrooks—Barton Middlebrooks, I think. They had a quarrel; and the colored man, I suppose, stood up as if he was willing to jump in and fight with the white man if he hit him. Middlebrooks let him alone, and the colored man went on to his work. No more was said on that day. A night or two after that, about fifteeff

or twenty men came and broke Poldo's door down, jumped in, and commenced beating him. He rushed through the door and ran. They shot after him, and shot him through a leader in the foot. They caught him and beat him. Some of them named to him how he had sauced Barton Middlebrooks on the road. They cursed him and knocked him about powerfully. He was laid up, I suppose, for about a week.

Question. This colored man and Middlebrooks did not come to blows?

Answer. No, sir; they did not have any fuss; they threatened one another. The colored man told him that if he hit him he would hit back; and there was no more said. These men came in a night or two, took him out and beat him.

Question. Were they disguised?

Answer. O, yes, sir.

Question. Was there any cause assigned for what they did, except that Poldo had had a dispute with Middlebrooks?

Answer. I never found out exactly what the dispute was, more than that they had a quarrel on the road.

Question. Was there any charge against this colored man except that he had had this dispute with Middlebrooks?

Answer. No, sir, no charge more than the quarrel which there had been between them on the road.

By Mr. POOL:

Question. When did this case occur?

Answer. Last summer—the latter part of the summer.

By the CHAIRMAN, (Mr. POLAND:)

Question. Nearly a year ago?

Answer. Yes, sir.

Question. That was the first thing of the kind in your county, so far as you know?

Answer. Yes, sir, that was along with the first cases. There may have been some little whippings before that. A heap of whippings down there have never been reported; and a heap I don't get hold of, without I happen to see them in the paper. What I am telling you is what people come right to me and tell me. Thousands of things are done there that are never reported in the papers, and nobody ever knows anything about them.

Question. State any other case of the same kind that you know of.

Answer. There was a man who lived down at Elder's—Dr. Elder's. This man, Jim Elder, has been dispatched for; but I don't know whether he will come; I believe he is not able to come himself. His case happened just two nights before mine. My last attack was on the 18th, and his was on the 16th. Jim Elder was living with a man they called Dr. Elder. Jim and one or two of the old man's sons were hanging up meat in the meat-house, about the 14th, I think, of January. This black man's little daughter went to the shuck-house to get some shucks to feed the cows, or something of that kind. When she got there she found some disguise clothing—doeface, and long caps, and gowns, and one thing and another. She got scared, and ran into the house, and said she had found a whole parcel of curious things out yonder. The little child's mother went into the shuck-house, and got the things, and brought them to the house. The old man of the plantation walked out, and when he saw them, grabbed hold of them, and took them away from the woman, and carried them into the house.

By Mr. POOL:

Question. Was he a white man?

Answer. Yes, sir; he was the owner of the plantation—Dr. Elder. He carried them into the house, and said to the boys, "I never have seen such things before in my life: how came they here?" The young white boys did not say anything. Jim said, "They are some of you boys' clothes; I thought it was some of you that were Ku-Kluxing all around here all the time; and here are the clothes you have been putting on, in the shuck-house. I thought it was you, and now I know it." He had been raised with them, and talked as he pleased. They said, "Now, Jim, you have got to take that back, if you accuse us of Ku-Kluxing." Jim said, "I will not do it; I believe it is true," talking in a kind of joking way. They said, "We'll be damned if you had not better take it back, Jim." Nothing more was said. A night or two afterward they came and took him, and gave him two or three hundred lashes. He laid around there till he got over it.

By the CHAIRMAN, (Mr. POLAND:)

Question. He lived in the same house with those young men?

Answer. On the same plantation.

Question. In the same house or another?

Answer. In another house on the same plantation. He then moved from there over to Athens.

Question. Were the men who took him out and whipped him disguised?

Answer. Yes, sir, they were all disguised.

By Mr. POOL:

Question. Did they ever whip him any more?

Answer. No, sir; he moved to the city of Athens, and they never come to a big town. People who get scared at others being beaten go to the cities; many are afraid to stay at home.

By the CHAIRMAN, (Mr. POLAND:)

Question. Within the past year have there been many instances of colored people being taken out in the night and whipped by bodies of men in disguise?

Answer. Yes, sir; not a week passes now but what there is somebody whipped. The week before I came up here, Noah Thrasher, a black man, was whipped. He lived within about two miles of Watkinsville, and about two miles from my house; but I don't stay at my home now; I stay in Athens.

Question. You have gone away from your former home?

Answer. Yes, sir; I am in the same county, but in another town, a larger place. They took him and whipped him and his wife and child the week before last.

By Mr. POOL:

Question. Do you say that they whipped also his wife and child?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. What was that done for?

Answer. He hired his daughter out to a man, and after she was hired there she was confined and had a child born. After her month was up she did not care about staying there; she wanted to leave, and Thrasher says this white man gave her a whipping. She went off then to her father's. Her father saw this man, who told him that he wanted him to bring her back. He took his daughter and carried her back to the man. They said he whipped her again. She left there again, and he carried there a boy, big enough to do as much as she could do, he thought, and told the man he would let the boy stay there in place of his daughter. The man said that would not do, that he must make her come back there. The black man went off and never carried his daughter back. So, about fifteen or twenty men came to his house week before last and beat him powerfully, and beat his wife and the girl too. They were a parcel of disguised men.

Question. This girl was the one who had been at service and left?

Answer. Yes, sir; they whipped her and her father and mother.

Question. Have these bodies of disguised men whipped anybody except colored people in your region of country?

Answer. Yes, sir; they have whipped a fellow by the name of Haycock.

Question. Where did he live?

Answer. About seven miles above Watkinsville.

Question. You say that the girl whose whipping you mentioned in the last case had a child?

Answer. Yes, sir; she had a child. Her month was up, though. She was at work when she was whipped; she was well.

Question. Was this whipping in any way on account of her having a child?

Answer. O, no, sir; I suppose not.

By Mr. POOL:

Question. You say she was a colored woman?

Answer. Yes, sir.

Question. Was her child black or white?

Answer. I never understood, and never inquired whether the child was black or white.

Question. Did she accuse anybody of being the father of it?

Answer. No, sir.

Question. The whipping did not grow out of that?

Answer. No, sir; I never heard anything of that sort.

By the CHAIRMAN, (Mr. POLAND:)

Question. Go on and state the circumstances in regard to the whipping of this white man, Haycock.

Answer. Haycock was living between seven and ten miles from the place where I lived. He had some dispute with some man concerning his sister, I understood. The fellow, I suppose, was fooling round his sister, and he said something about it. They got up a kind of a fuss between them. These men came in on him one night and whipped him pretty smartly. That is the only white man, I think, that has been whipped there.

Question. Do you know how it has been in other counties in that part of the State?

Answer. Well, sir, several have been whipped, and some killed. A blacksmith by the name of Jake Dannons was shot dead about ten miles from where I live

Question. In your county or another?

Answer. I think he lived on the edge of Walton County.

Question. When was that?

Answer. That was, I think, about two or three months before Christmas.

Question. Some time last fall?

Answer. Yes, sir.

Question. You say he was killed?

Answer. Yes, sir; I think they shot seven balls into him.

Question. Was that done by a body of men in disguise?

Answer. Yes, sir; a body of disguised men.

Question. What was that done for?

Answer. This black man was keeping a blacksmith shop. He had done work for a man named Kemp. I was not acquainted with Kemp, though I had seen him. Kemp had been having his work done there for about a year or two, and had never paid the black man. The black man complained to the man he was renting the shop from about Kemp's account. He said, "Kemp don't pay me; it looks like he won't pay me. I am getting tired of working for him. Now he has brought a buggy here for me to fix, and I am not going to work for him any more till he pays me." This white man said to him, "I would not work for him any more; put the buggy outside the door, and work for somebody else that you can get money from." Dannons laid the buggy aside, and would not fix it. Kemp came up after a while and asked why he had not fixed the buggy. Dannons said he did not care about working any more for him till they settled up. Then Kemp took the buggy—the wheels had been taken off—he took the carriage part and set it on the anvil, and said, "Don't you move this off till you take it off to work on it."

Question. He put the wagon on the anvil so that Dannons could not work?

Answer. Yes, sir; and told him that he should not move it unless he was going to fix it. Dannons then went to the man he was renting the shop from, and asked him what he must do. The man told him, "You take the buggy and set it aside, and go on with your work."

By Mr. POOL:

Question. Was the man who owned the shop a white man?

Answer. Yes, sir. Dannons took the buggy off the anvil and set it down. Kemp came along and asked why he had moved that buggy from there without he was going to fix it. Dannons told him he wanted the anvil to go to work at, and took the buggy off. Kemp said, "God damn you, I will kill you." He went off and said no more to him. In a night or two about fifteen or twenty men came down there and hallooed to Dannons to come to the door.

Question. Were they in disguise?

Answer. Yes, sir. They came and told him to come to the door. He told them to hold on till he got his pants on. They told him, "Never mind about your pants; come to the door." He came and opened the door, and saw these men all standing in the yard disguised. He turned his back on them, and ran into the house. As he turned back they shot him right in the back of the head. I think the first ball struck him. He fell. They ran in and shot some five or six more shots into him; and then they all went away. That was the last of them that night.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do you know of any other case in which those bands of men have killed anybody?

Answer. They killed a man in Morgan County, about five or six miles from Madison—a fellow by the name of Anthony Robinson.

Question. When was that?

Answer. That has been over a year ago, I reckon.

By Mr. POOL:

Question. Does Madison County adjoin your county?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do you know anything as to the reason why that act was committed?

Answer. I do not know how the fuss got up between them. I never heard anything about that more than that the disguised men came down there after him, and knocked at the door for him to open it, and he would not open it; then they commenced breaking the door down. He ran to the door to resist with an ax, I think, and they shot him. He made a lick at one of the men with the ax, and in making the lick he jumped out of the door to run. As he went to run they shot him dead.

Question. Had he had a quarrel with anybody, out of which this attack grew?

Answer. I do not know; I never heard of any.

Question. Do you know of any other instance where bands of this kind have killed anybody?

Answer. No, sir; I do not recollect of anybody being killed after that.

Question. Has this practice of taking people out and whipping them prevailed in other counties besides your own?

Answer. Yes, sir; in the same way.

Question. Did it begin in those other counties about the same time it did in yours?

Answer. A little before. They commenced in Walton and Morgan before they did in my county.

Question. Has this thing been general in your part of the State?

Answer. Yes, sir; it is a general thing of whipping there all the time. There is not more than three or four weeks but what there is somebody whipped. If they don't whip they ride anyhow, and scare people; they ride up and down at nights. Sometimes they ride through a whole settlement and never touch anybody. Sometimes they go by colored people's doors and shoot some five or six balls through the door and ride on without stopping.

Question. What is the effect of all this conduct upon the colored people? How do they feel about it?

Answer. Well, they don't know hardly what to think about it.

Question. Do they feel frightened?

Answer. O, yes, sir; it frightens them. Several of them where I live had bought land there, two or three acre lots, put houses on them, and were living there and getting along very well. Since this thing has been going on, they have commenced selling their lots for little or nothing. Some of them don't get for the house and ground half what they paid for the ground. They go away to some large town where they lay around and get whatever they can.

Question. You yourself have removed?

Answer. Yes, sir; I have moved to Athens.

Question. Why did you do so?

Answer. Well, I thought I would be killed down where I was.

Question. Was that your sole reason for removing?

Answer. Yes, sir; that is the sole reason. If I could have had peace there, I would rather live there than in any other place I have been in.

Question. You were getting along well?

Answer. Yes, sir; I was getting along well. I had as much work as I could do. Every white man who had any work of my kind to do would hire me if he could get me.

Question. Did you own any land there?

Answer. Yes, sir; I owned one lot of seven acres, another of one acre, and another of about a quarter of an acre.

Question. Have you sold your lots?

Answer. No, sir. I tried to sell them, but I could not get anything for them. The ordinary told me I better let them stand; he said probably the feeling would wear down after a while. He said that may be it would become quiet there, and he would like me to come back again. I told him I did not think I could live there any more, and I would rather sell out if I could.

Question. Have you moved to Athens solely because you felt you could not be safe where you were?

Answer. Yes, sir; I moved there to keep from being killed, and perhaps my wife killed. She is injured a good deal. She was in a delicate state at the time they came to my house, and it has injured her. She will never be of any more account, I think.

Question. You say that many people there have moved away in the same manner on account of feeling unsafe?

Answer. Several that had bought lots adjoining mine moved away. Some have moved to Atlanta. One fellow bought two acres at $20 an acre, and put a house on the ground. He fenced it and fixed it up. He sold the house, fencing, &c., for $40, and got nothing for the land. He moved to Atlanta.

Question. Why did he leave?

Answer. He thought he was in danger of his life.

Question. Is that feeling of fright and fear general among the colored people?

Answer. Yes, sir. It is general among the colored people in the county where I live. They told me when I left that if I could find a place where I could make a living, I should write back to them. I have never written back. They said that they wanted to leave if they could make anything above their support. There are lots of men down there whose crops are running away with grass, and they cannot get hands on account of this thing; the men are running away so and leaving the county. A heap of farmers there can't get labor enough to make their crop.

Question. Has anybody been punished for any of these things?

Answer. Nobody has been punished at all. The attempt is made sometimes to punish people, that is, they try to prosecute some few; but it is the hardest thing to do in the world. If a man knows two or three men in a crowd, or knows one man for certain, that man gets forty or fifty men to swear that he was at some other place that night. You cannot prove it on a man to save your life. I thought once I would try to prosecute the parties in my case, to the best of my knowledge. I got some papers fixed up to go to the governor and see him and get some advice from him. I went to the ordinary and clerk of the court, and they told me they would sign in a minute, but they said they were afraid of their lives, and they were afraid to do it. They told me to tell the governor and the leading men at the capital of the State how they were fixed—that they could not sign the paper for the reason that they were in danger of their lives.

Question. That was what these officers told you?

Answer. Yes, sir; they told me they could not do anything at all.

Question. Are the people upon whom these acts of violence are inflicted afraid to prosecute—afraid to testify?

Answer. Yes, sir, they are; if they think they know a man they are afraid to call his name.

Question. In the case of the attack on you, you say you know of no reason in the world for it, except that you were a somewhat leading republican among the colored people?

Answer. Yes, sir; that is about what I think. The white citizens and black could not find any other way to account for it.

Question. In some of these other instances which you have given, there seems to have been some quarrel out of which the attack grew. Are there many cases like yours, in which you think the attack was for political reasons?

Answer. In my county I don't recollect of any case of whipping or shooting on account of political affairs, but mine. Every man they whipped they asked him how he voted. Sometimes the men would say they did not vote at all; they were afraid to tell the party they did vote for. Sometimes they would say they voted for the republican party, and then the men would say, "If you ever do it again, we will kill you."

Question. The advice these disguised men give is to vote the democratic ticket?

Answer. Yes, sir; they say, "If you vote any other sort of ticket besides the democratic ticket, we will kill you when we come again." They say they have just come from the grave; that they were killed at Manassas, and are just out of the grave.

Question. It is a kind of spiritual advice they give?

Answer. Yes, sir.

Question. Has there been in your county or your part of the State any disturbance of your schools?

Answer. Yes, sir; threats have been made against school teachers which caused them to run off and leave the schools—not in my county; none have run away from my county. In the adjoining county there was a man teaching school, a colored man that I saw in Atlanta. He said they threatened to come after him, and he got wind of it and left before they came.

Question. Do you know of any other instances where teachers of schools have been frightened away?

Answer. In my county there was a white woman that commenced teaching school. That was directly after the surrender. They burned her school-house down; somebody did it; they don't know who, whether it was disguised parties or not. It was supposed to be that class of people that did it.

Question. The school-house is supposed to have been set on fire purposely?

Answer. Yes, sir.

Question. It is not supposed to have been an accidental fire?

Answer. No, sir; it was set on fire on purpose.

Question. That was some years ago?

Answer. Yes, sir.

Question. Have there been any recent instances of burning school-houses in your part of the State?

Answer. No, sir; not in my county. I don't think there has been any school-house burned lately in my county or any of the adjoining counties.

Question. Does what these disguised bands say to these people about voting have any effect upon the colored people?

Answer. Yes, sir. Several of them say that excepting they can get protection against these disguised men going about, they do not intend to vote any more.

Question. Why?

Answer. They say they cannot vote excepting they vote the democratic ticket, and they say, before they do that they will not vote at all. They say that if they can't vote as they want to vote, they don't care to vote at all.

Question. Do they feel afraid to vote as they want to vote?

Answer. Yes, sir; they tell me they are afraid to vote the way they want to vote.

By Mr. POOL:

Question. You said you were a member of the legislature?

Answer. Yes, sir.

Question. Have you talked with members of the legislature from other parts Georgia?

Answer. Yes, sir; I have talked with several of them.

Question. The condition of things of which you have been speaking exists in other parts of the State of Georgia?

Answer. Yes, sir.

Question. Did members of the legislature tell you of the existence of such things in other places?

Answer. Yes, sir.

Question. From your conversation with them, how extensively do you suppose this condition of things prevails?

Answer. Well, sir, it is throughout Georgia pretty well—all the farming parts of the State, where there are no towns close around; it is generally there.

Question. You learned from your fellow representatives whom you met in the legislature that this condition of things is general throughout the State?

Answer. Yes, sir.

Question. And that the colored people are in a state of terror and alarm?

Answer. Yes, sir. While I was in Atlanta they were coming there every day or two, stopping there.

Question. You mean colored people from different parts of the State?

Answer. Yes, sir.

Question. What did they come to Atlanta for?

Answer. They came there to get out of the way of the Ku-Klux, and to be protected some way or other. They think they cannot stay around where they have lived without being killed or whipped.

Question. Do you now refer to counties distant from where you live?

Answer. That is what people told me whom I saw coming to Atlanta to see the governor.

Question. To represent their grievances to the governor?

Answer. Yes, sir.

Question. Have you ever heard of an instance in which any man belonging to this disguised organization of Ku-Klux, who are committing these outrages, has been convicted or punished in your State?

Answer. I heard about three weeks ago that there was one sentenced to be hung in Crawfordsville, Georgia; I think that was the place.

Question. What became of him?

Answer. Well, he is there yet, I suppose. The time had not arrived for him to be hung. I understood the 4th of August was the time he was to be hung; and his friends were trying to get a pardon for him, I understood.

Question. Was he to be hanged for a crime committed in disguise?

Answer. That is what I understood.

Question. Have you ever heard of any other instance?

Answer. No, sir. About two weeks before I left Atlanta, I saw it mentioned in the papers that Captain Anderson and Captain Murphy, United States marshals, had been down to Dawson County and brought up two prisoners who had not had their trial.

Question. Captain Anderson and Captain Murphy were United States officers?

Answer. Yes, sir.

Question. Was this man who was convicted and sentenced to be hanged tried in the United States court?

Answer. I do not know whether he was or not.

Question. Have you heard of any other instances of that kind in the State?

Answer. No, sir; I have heard of no other instance where they have been convicted.

Question. How many persons do you think have been whipped, attacked in their houses, or molested in any way in your county within the last year?

Answer. Well, as many as one hundred, I reckon, have been whipped.

Question. In your county within the last year?

Answer. Yes, sir; some have been got hold of and afterwards got away; they run off and didn't get any whipping. There have been many disturbed in that way, though some would get away.

Question. Do the colored people generally sleep in their houses?

Answer. Some do; and some who hear of these threats do not sleep in their houses.

Question. Suppose a colored man votes the republican ticket, is he safe there?

Answer. I suppose that if he is not a leader and has not much influence, they are not apt to bother him, excepting he gets into some cross words with some white man.

Question. But suppose a negro should vote the democratic ticket?

Answer. Well, he would never be interrupted then. I never heard of one being interrupted. There are several that vote it down our way. There are lots of them that

vote it in the city of Atlanta, the great mass of them. In the town where I live several vote it.

Question. Do they vote it for the purpose of making themselves safe by so doing?

Answer. Yes, sir; they think it is the best plan to get along among the white people.

Question. Is it generally understood there among the colored people that if they will vote the democratic ticket, they are then safe from these attacks?

Answer. Yes, sir; that is the impression among the people. They have told me that if I would act with that party I would be as popular as any white man, and would do well the balance of my days.

Question. Who told you that?

Answer. The white men of the county.

Question. Democrats?

Answer. Yes, sir. They said if I would vote for their party and use my influence for it, I would never suffer for anything. I told them I thought I was doing right, and I did not care to deceive the party that I was in with; and I thought I would do wrong to go over to the democrats; for then my present party would be as hard against me as the opposite party was now. I said I didn't care to deceive anybody at all. We had no hard words; it all passed off in good terms; there was no trouble and no argument. They just gave me advice what it would be best for me to do.

Question. Then it is the general feeling among the colored people, and it is your opinion, that you might buy your safety by voting the democratic ticket?

Answer. Yes, sir; if I had never voted the republican ticket, if I had stood with the democrats ever since I have been enfranchised, I don't think I would ever have had a cross word with a man in that county, and would never have had a hurt of any sort.

Question. Do you think you could now buy peace and safety by changing and going with the democratic party?

Answer. I don't think I could, after shooting that man. I think that would make them kill me still. If it had not been for that man being shot, I suppose I could go back there, change my politics, and live as well as I ever did.

Question. Suppose an election were to occur now in your county, would the colored people vote?

Answer. No, sir; I do not think they would in the county where I live. Around the city of Athens, where there is no trouble, they might vote.

Question. I mean outside the city?

Answer. Outside the city in the country I do not think you could poll twenty votes among the colored people, unless they were persuaded to vote with the democrats.

Question. I mean, would colored people dare to vote the republican ticket?

Answer. You could not get twenty.

Question. How many colored voters are there in your county outside of the town?

Answer. I don't know; I suppose in the whole county there are about nine or ten hundred.

Question. Do you think, if an election were to occur now, not twenty out of that ten hundred would dare to vote the republican ticket?

Answer. Not twenty out of the portion in the country.

Question. Is the case the same in the adjoining counties?

Answer. Yes, sir; that is pretty much so all through the adjoining counties, except in the towns, where they are protected by the police or something of that sort.

Question. Do these bands of men ever whip women?

Answer. Yes, sir.

Question. Why do they whip women? They do not vote.

Answer. Many times, you know, a white lady has a colored lady for cook or waiting in the house, or something of that sort. They have some quarrel, and sometimes probably the colored women gives the lady a little jaw. In a night or two a crowd will come in and take her out and whip her.

Question. For talking saucily to her mistress?

Answer. Yes, sir.

Question. Does that state of things control colored labor down there? Do these bands make the negroes work for whomever they please?

Answer. Do you mean the Ku-Klux?

Question. Yes, sir.

Answer. Well, they go sometimes so far as this: When a man is hired, if he and his employer have any dispute about the price, and there are hard words between them about the amount of money to be paid, they whip the colored man for disputing the white man's word, or having any words with him.

Question. They whip the colored man for having any dispute with his employer about what shall be paid him?

Answer. Yes, sir.

Question. Is that common?

Answer. Yes, sir; that has been done several times. Sometimes colored people are working for a part of the crop. They work on till the crop is nearly completed and

ready for gathering. Then a fuss arises between them and the employer, and they are whipped off—whipped off by these men in disguise. If they do not whip a man, they come and knock his door down and run him out, and he gets scared and moves away, leaving his share of the crop. He will sometimes go to the employer, and the man will say, "Your crop in the field is worth such and such a price, and that is all I will give you." The man will have to take what he can get and move off. Some of the colored people swear that they do not intend to farm any more, excepting they can have peace to gather what they plant. Now, they work a part of the year and then get run off and make nothing. So they conclude it is best to go to some city and work by the day for what they can get. Every town in our State where there is any protection is overrun with colored people. Many of the farm hands are there; and there is a great mass of loafers who stand round town because they have got no work to do. Yet people's fields around in the country are running away with grass. Some men go to town and try to get hands. The colored men will ask, "In what part of the country do you live?" The man will mention such and such a place. They will say, "We can't go down there; the Ku-Klux is down there. If it wasn't for the Ku-Klux we would go down and work for you."

Question. Are there many white republicans in your county?

Answer. No, sir; I do not suppose there are over four or five. In the city of Athens the man who attends the post office, I think, is a republican; then he has got two or three sons who are clerks in the post office; then there is the tax collector. They are republicans; they vote the republican ticket.

Question. Have you ever known colored men to be whipped for leaving the plantations upon which they had been working?

Answer. I have heard of their being threatened; they were told that if they did not go back and go to work, these men would come and beat them to death some night. Some of them would go to the houses where the colored men were living off to themselves, and tell them if they did not leave there and go to some white man's yard and live, they would come in on them some night and kill them.

Question. Do the colored people generally obey such orders?

Answer. Some of them get scared. I heard of a case in Jackson County, which adjoins Clarke County. In that case one or two families left their houses and went to some white man's yard to live. They complain that they do not know what to do; that they are afraid on account of the Ku-Klux. Then the citizens will tell them, "Come to my house and stay, and I'll be bound they won't pester you."

Question. You live in the county of Clarke?

Answer. Yes, sir.

Question. Do you know anything about the condition of things in Walton County?

Answer. I have heard of several whipping spells out there by the Ku-Klux. A colored man came to Atlanta a day or two before I left there, and said that he came in because he was afraid.

Question. How is it in Jackson County?

Answer. Two or three families moved down to Athens from Jackson County two or three months ago.

Question. On account of the Ku-Klux?

Answer. Yes, sir.

Question. Did they report any whippings?

Answer. Yes, sir; they said they whipped one; and one who had moved to Athens and brought his family had been shot at, I think, but they missed him.

Question. How is it in Madison County?

Answer. I have not heard of any particular whipping spell in Madison County. I have heard of the Ku-Klux being out there deviling people. I have not heard much about Madison; I don't suppose there has been much of it done there.

Question. Does the riding round of these men in disguise terrify the colored people, whether they commit any acts of violence or not?

Answer. Sometimes they ride round there and never pester anybody at all—just go to the house and wake the colored people up and let them see them. Sometimes they come in and take a gun or pistol away from them, or powder, if they have any.

Question. Have they generally disarmed the colored people in that section?

Answer. Sometimes they just go through the country and never do anything but take guns and pistols away from the colored people.

Question. How is it in Oglethorpe County?

Answer. The same way.

Question. Have you heard of anything of the kind in Morgan County?

Answer. Yes, sir; it is the same way in Morgan.

Question. And Greene?

Answer. Yes, sir.

Question. And those counties that border on Clarke?

Answer. Yes, sir.

Question. How is it in Wilkes County?

Answer. I do not know anything about it in Wilkes—whether they are doing anything there or not. I have heard of a great deal of outrage and whipping in Taliaferro County and in Warren County. Taliaferro, I reckon, is a hundred miles from my place.

Question. From what is said generally by these men while going around whipping colored people or parading through the country, and from your knowledge of the kind of men they are, is it your opinion that their object is to prevent the colored people from voting the republican ticket?

Answer. Yes, sir; they intend to do it till they get the government in their own hands. They say that if they had started soon enough Grant never would have been elected, and Bullock never would have had his seat as governor.

Question. Do those persons to whom you have spoken at the capital of your State, and who report the condition of affairs in other sections, have the same impressions?

Answer. Yes, sir, it is about the same thing.

Question. Have you talked it over with them?

Answer. Yes, sir; that is the chat when we are together; that is the first thing we name when we meet one another—to find out how times are in their counties, and to report from our counties.

Question. Do they say that the object of the organization is to influence the colored vote?

Answer. Yes, sir, all say the same thing.

Question. Do these disguised men talk about voting when they are committing their outrages?

Answer. Yes, sir.

Question. On the days of election, do any of these disguised men make their appearance at the ballot-boxes or around the polls?

Answer. No, sir.

Question. Do you see any violence on the days of election?

Answer. No, sir; not at our polls; we never have had any trouble at all.

Question. Your idea is that the intimidation is done beforehand?

Answer. Yes, sir, it is done beforehand.

Question. To keep the colored men from coming there?

Answer. Yes, sir.

Question. This intimidation is carried on at night by these men in disguise?

Answer. Yes, sir. I recollect now there was one man shot in the day-time—the day of the presidential election. A man by the name of Mitchell Stroud was shot in the day-time; he was shot through the hand; he was going to town to vote.

Question. Have you heard of any instances where men have gone to a man's house and left a warning with his wife that he had better not go to the election?

Answer. No, sir.

Question. You have heard of nothing of that sort being done in the day-time?

Answer. No, sir, I have heard of nothing said in the day-time at all, that I know of, concerning going to the polls.

Question. Have you heard of any instances where neighbors, without any disguise, would go in the day-time and, as a friendly act, give such warning?

Answer. Yes, sir; they would advise them to vote their way.

Question. Would they advise them that it would not be safe to go to the election and vote the republican ticket?

Answer. They would say to them, "You had better vote the democratic ticket; we are your friends now, and it is not worth while for you to vote to put in power these men from the North who do not care as much about you as we do."

Question. Do they tell them at the same time that they will be safe from the Ku-Klux if they will do so?

Answer. They don't tell them so right out. They say that they will have no trouble. They say they don't know who the Ku-Klux are, but if they will do that, they will not be in any danger from the Ku-Klux.

Question. You say that men who are known do this in the day-time?

Answer. Yes, sir; men who are known tell the colored people they know nothing about the Ku-Klux-Klan, but that they are just after those who are going ahead in politics, pretend to be leaders in politics, that they are not after anybody else; and they say, "Just let politics alone, have nothing to do with it, don't vote at all if you can't vote any other sort of a ticket than the republican ticket, have nothing to do with it, and you will have no trouble."

Question. You said that these disguised men spoke of being men who had been killed at Manassas. Do they pretend to be persons who have risen from the grave?

Answer. Yes, sir; that is their chat. They took a man that lived right close to me and carried him two or three miles from town, hunting a woman that had run away from the part of the country where they came from, eight or ten miles off. They asked him who he belonged to before the war. He told them he belonged to Barton Thrasher, but that Barton Thrasher was dead now. One of the men said "Oh, yes; he

is dead; I saw him the other day; I am just from hell; I saw Barton Thrasher there. I was killed at Manassas. I just came out of the grave to-night. I see Barton Thrasher every day or two."

Question. Do you know whether these men have places of meeting? Do you hear of their assembling together at particular places?

Answer. Well, I am not certain where they have met; but I heard a man say they met at Fontenoy Mills. I do not know whether it is so or not. I have never been down there. I saw a man down the railroad the other day who told me they came there every week; that he saw their horses hitched there, covered with white cloth.

Question. Do they disguise their horses?

Answer. Yes, sir; they have a white cloth spread over the horses.

Question. So that the horses cannot be recognized?

Answer. Yes, sir.

Question. Do you know whether they have divided themselves into separate camps—whether part of the men belong to one camp under one commander, and part to another? Have you heard anything about that?

Answer. No, sir; I never heard of it.

Question. You do not know anything about the inside working of the organization?

Answer. No, sir; not a thing.

By Mr. BECK:

Question. Did you say that, in your opinion, your case is the only political case you have heard of as occurring in the county of Clarke?

Answer. Yes, sir, so far as I can recollect.

Question. All the other cases in your county were matters of private quarrel?

Answer. Yes, sir; private quarrels.

Question. You know nothing, of your own knowledge, of any of the facts that you have stated as occurring in counties other than your own? You only know what you have heard people say?

Answer. That is what I hear people say about surrounding counties.

Question. Your county is all you know anything about yourself?

Answer. Yes, sir.

Question. In your opinion, your case is the only political case that has occurred in your county?

Answer. Yes, sir; I think my case was the only political case, so far as I know. People have said they approach them about voting when they first get hold of them. They tell them about voting as soon as they get hold of them.

Question. That is what other people tell you?

Answer. Yes, sir.

Question. These men never mentioned to you anything about voting in their talk with you on the night they visited you?

Answer. No, sir; they did not say anything to me; they just cursed me, and commenced shooting me.

Question. When they first came after you, you went out from the place where you lived, and heard them asking this old man where you lived, and how you were fixed?

Answer. Yes, sir.

Question. What was his name?

Answer. Charles Watson.

Question. Did they accuse him then of having stolen a beef?

Answer. I did not hear them say anything about the beef; this chat about the beef came out afterward—a day or two after the fuss was over. The news came then that they were not after me; that they came there after Charles Watson for stealing a beef.

Question. They did not on that night go to your house?

Answer. No, sir; they were on the way to my house.

Question. How many were there in your party?

Answer. About four of us ran up first, and I think there were thirty or forty coming up behind us. They heard us coming, and they broke and ran.

Question. Were you all armed?

Answer. Those who were with me were. As to the others, some were armed and some were not.

Question. Did you shoot the man in the field?

Answer. I shot at the man in the road; he was walking alongside of the fence.

Question. Did you shoot him?

Answer. I never hit him.

Question. Was no one of them shot that night?

Answer. There was a man shot that night; but they said the Ku-Klux shot him. There was a man wounded that night in the eye.

Question. One of their fellows?

Answer. Yes, sir; but he said the Ku-Klux shot him.

Question. What was his name?

Answer. His name was Malcom; I think it was George Malcom; he lives in Walton County, fifteen or eighteen miles from where I live.

Question. How long after this night when you had the shooting with them did they come to your house?

Answer. I suppose it was about three or four weeks; five or six weeks, I reckon.

Question. Were any of those men who were at your house identified afterward, in any way?

Answer. No, sir; none that I know of particularly. People said they knew pretty well who they were. Some people told me they knew pretty well who some of them were; but they were afraid to say anything—afraid they would get killed.

Question. What white man was it who told you that if you voted the democratic ticket you would be safe, and that you would not be unless you did?

Answer. Dicken was one.

Question. Is he a democrat?

Answer. Yes, sir.

Question. Does he live in the county of Clarke?

Answer. Yes, sir, he was living there.

Question. Do you tell this committee that he said to you that your only chance to be safe was to vote the democratic ticket?

Answer. No, I do not think he said it was my only chance of being safe. He told me if I would turn and vote that way, I would be always protected—would always do well, and never suffer for anything.

Question. Did you understand him to tell you that you could not live there unless you did vote the democratic ticket?

Answer. No, sir; he did not tell me I could not live there if I did not vote that way.

Question. Did any white man ever tell you that you could not live there unless you voted the democratic ticket? If so, tell who it was.

Answer. No, sir; none ever told me I could not live there without voting the democratic ticket.

Question. Did you ever hear any white man tell any person that he could not live there in safety unless he voted the democratic ticket?

Answer. No, sir; I never heard anybody tell them that.

Question. Did you yourself ever hear anybody threatened with any wrong to his person or property if he did not vote that way? If so, give us the names of the men who made such threats. Did you ever know any one threaten anybody with any harm if he did not change his politics from republican to democratic?

Answer. None, except what I was speaking of a while ago.

Question. Did you hear that yourself?

Answer. No, sir.

Question. I am asking you as to what you know yourself.

Answer. I do not know about it myself.

Question. Can you give us the name of any white man whom you have heard threaten anybody?

Answer. No, sir; I never heard them threaten anybody.

Question. You do not know yourself of any such threats?

Answer. No more than what they tell me that they say to them.

Question. That is, what you get from other people?

Answer. Yes, sir; all I tell you outside of my own case is just what other people tell me who have been whipped and come in there. Some come in who are laid up and crippled, and they tell me that.

Question. You spoke of men saying that if they had begun this thing sooner Grant never would have been elected; did you ever hear any white man say that?

Answer. That is the chat among the colored people there; they tell me that.

Question. Did you ever hear anybody say that?

Answer. No, sir; never myself.

Question. Then I understand that all you have been telling about is what has been said; the fears and apprehensions and threats are what you get from other people?

Answer. Yes, sir.

Question. No part of which you have ever heard yourself from anybody whose name you can give?

Answer. No, sir; I was not present myself at any of these talks.

Question. Who is the judge of the circuit court in the county of Clarke?

Answer. Charles Davis.

Question. Are your grand juries made up of white and black?

Answer. No, sir; they are all white.

Question. They will not allow black men to sit on a jury in Clarke County, and the jurymen are all white?

Answer. Yes, sir.

Question. And all your officers are white men?

Answer. Yes, sir.

Question. How many counties are in Judge Davis's circuit?
Answer. Three.
Question. What are they?
Answer. Jackson, Clarke, and Walton.
Question. You mentioned some white man who talked to you on the day before you were attacked; what was his name?
Answer. John Thrasher.
Question. What did he say to you?
Answer. He told me he had known me a long time; that he wanted to tell me something that he thought would make me safe, or get me out of some trouble in some way. He said he had heard them talking around that they intended to kill me or make me leave, one or the other; and he said that they tried to get him to join the party to go help do it, but he said he was above such things as that; he did not want to have anything to do with it. I told him I did not know why they had anything against me—why they wanted to do anything to me. He said, "They say you are making too much here; you are running a grocery and making more money than some of the white men, and they do not intend to allow it." He said, "It is a parcel of low-down fellows that begrudge it to you; I would just as soon buy from you as anybody; but some of them about here are after you, and are going to have you if you don't mind."
Question. Even in your own case, there was some other feeling besides politics mixed up with the difficulty?
Answer. No feeling outside of what this man Thrasher said that they said—that I was making too much there; that is all the feeling I could understand. I questioned the citizens all around town, and none of them could find anything at all that they thought these men had against me.

By Mr. COBURN:

Question. You were talking about having seen men who had been thrashed and injured; did you ever examine their wounds?
Answer. I have looked at the lashes; sometimes they would take off their clothes and show me the marks.
Question. How many persons have you seen in that way?
Answer. Jim Elder and Abe Colby; I also saw a fellow with a hole shot in the side of his head.
Question. These men whom you name, how were they injured?
Answer. They were whipped.
Question. You saw the stripes?
Answer. Yes, sir.
Question Did you see anybody else who was wounded or in any way injured?
Answer. Well, I saw persons, but never examined the wounds of every one of them; there was only one or two that I examined the wounds of.
Question. Describe the wounds that you yourself received.
Answer. I have a ball in my right arm and two in the right side.
Question. Where in the side?
Answer. Right above the hip-bone.
Question. Did the ball come out?
Answer. No, sir; it is in there now.
Question. Where did the other ball go in?
Answer. About six inches below the arm-pit. It ran around into the fleshy part and stopped. The doctor probed for it, but said he had better let it stay there.
Question. Then two balls are now in your body?
Answer. Yes, sir; all three. The doctor said at first that the one in the arm had glanced off, but it was sore some time, and he thought maybe it was there after all.

By the CHAIRMAN (Mr. POLAND:)

Question. You have said that your case is the only political case you know of in your county?
Answer. Yes, sir; I think my case is the only political case, as folks suppose. These men never said anything to me about what they were shooting me for, but people suppose it was on account of politics.
Question. There was no other reason?
Answer. No, sir; no other reason; that is what people thought was the reason, and I thought so too.
Question. In these other cases in your county, do you say there has been nothing said about how the persons attacked voted?
Answer. I say they would speak to them about voting; that is the first thing they would say when they commenced whipping them.
Question. Do you mean that remark to apply to these other cases in your county? Do you mean to say that the men inquired in the first place how the persons voted?
Answer. Yes, sir.

Question. Do you mean to say that there was nothing political in these other cases in your county?

Answer. No, sir; I do not say that there was not.

Question. But in most of them there had been some quarrel or some difficulty that had something to do with the attack?

Answer. Yes, sir. Where women were whipped it was mostly on account of disputes with their employers. When men were whipped, it originated sometimes from quarreling; and then when they got hold of them, the first word they would say to them would be, "How do you vote? Do you vote the radical ticket?" They would tell them that if they voted any other sort of a ticket than the democratic they would kill them.

By Mr. COBURN:

Question. How many women have been whipped about there?

Answer. I can not tell; several women have been whipped.

Question. How do they whip them?

Answer. They just strip them; maybe they take a belt that they belt their pistols around with, and strap them with it—buckle and all sometimes; and then they knock them over the head with a pistol-stock or pistol-barrel.

Question. How do they strip them? Do they strip all their clothes off, or only partially?

Answer. Mostly when they come in the night the women have hardly any clothes on; they have all gone to bed; they strip their clothes nearly all about off.

Question. Do they strip them naked?

Answer. In several cases I never questioned particularly whether they stripped them naked or not. They just stated the facts about being beaten, and I never asked them whether they were stripped stark naked or not.

By the CHAIRMAN, (Mr. POLAND:)

Question. State precisely what has been said to you in regard to your being better off or safer if you would change your politics and vote the other way.

Answer. I was telling you a while ago about this man Dicken. He told me that if I would turn my politics and go the other way, I would be better off; that I could get as much work as I wanted to do as long as I lived about there, and I could make a fortune there—that I could make as much as I wanted to make.

Question. Has anything been said to you by anybody as to your safety from these Ku-Klux?

Answer. No, sir; nothing at all more than they told me that I had better leave there, that they expected I would get killed if I staid there. Some of them told me that.

By Mr. POOL:

Question. You said that you did not know that they had at any time actually threatened that if you did not vote the democratic ticket you would not be able to live there in safety?

Answer. I do not understand the question.

Question. I understood you to say that you did not know any particular case in which they told the colored people that if they did not vote the democratic ticket they could not live there in safety?

Answer None, only these disguised men; they told them that if they voted any other ticket besides the democratic ticket they would kill them or beat them.

Question. You have heard of its being put in this form: that if they would not vote the republican ticket they could live there in safety?

Answer. Yes, sir; they told them not to have anything to do with politics at all—not to vote at all.

Question. Then it is not so common for them to threaten them?

Answer. No, sir.

Question. The acts themselves terrify the colored people without threats?

Answer. Yes, sir?

Question. But they tell them they can be free from those acts if they will vote the other way or will not vote at all?

Answer. Yes, sir.

Question. Then they do not threaten what they will do to a man if he votes, but tell him that if he will not vote the republican ticket he will be free from such things. Do you know whether they have alleged as a reason for putting it in that form that their purpose is to endeavor to evade the law against threatening voters?

Answer. Yes, sir; to keep from being charged with intimidation.

Question. To evade the law?

Answer. Yes, sir.

Question. That is an improvement they have adopted which they think will evade the law against threatening voters?

Answer. Yes, sir.

Question. They let the acts stand for threats and then promise protection if the negroes will vote in a particular way?

Answer. Yes, sir.

By Mr. BECK:

Question. Senator Pool asks you if you know all these things, and you say, "Yes, sir." Now, how do you know them?

Answer. I thought he was asking me whether I supposed that was the notion or not.

Question. The question was put to you, "Do you know these things?"

Answer. I do not say that I know it for certain.

Question. Did you ever hear a white man say any such thing to anybody as Senator Pool has just stated; if so, what white man?

Answer. I just answered him according to the way I thought he asked the question.

Question. Did you ever hear any white man say any such thing to anybody?

Answer. No, sir, I did not; I was only informed so and so.

By Mr. POOL:

Question. Did you hear this from colored people who had been attacked by these men?

Answer. Yes, sir.

Question. Did you hear it generally from colored people who reported the attacks upon them?

Answer. Yes, sir; people who would come up with these wounds on them would say so: they would come up for me to go with them to the justice of the peace, or to the governor, to get some protection, and they would tell me all about it, and I would go with them.

Question. And it was from what those men said that you learned these things?

Answer. Yes, sir.

WASHINGTON, D. C., *July* 10, 1871.

C. D. FORSYTH sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you reside?

Answer. I reside at Rome, Georgia.

Question. How long have you resided there?

Answer. I have lived at Rome only about one year. I was raised within forty miles of the place, however.

Question. You are a native of the State of Georgia?

Answer. Yes, sir.

Question. And until within about a year you resided forty miles from Rome?

Answer. Yes, sir; in Paulding County.

Question. Do you hold any official position, and if so, what?

Answer. I am solicitor general of the Rome judicial circuit.

Question. By your law do you have a solicitor or solicitor general in each judicial circuit in the State?

Answer. Yes, sir.

Question. And you hold that position in the Rome circuit?

Answer. Yes, sir.

Question. How many counties compose your circuit?

Answer. Six counties.

Question. By virtue of this office you are the State prosecutor?

Answer. Yes, sir; the State's attorney.

Question. To what political party do you belong?

Answer. Well, sir, I have been acting with the republican party since the war.

Question. Were you in any way connected with either army during the rebellion?

Answer. Yes, sir.

Question. With which army?

Answer. I was a captain in the rebel army.

Question. During the entire war?

Answer. Yes, sir; however, I did not hold that position all the time, but I was in the rebel army all the time.

Question. Were you in practice as a lawyer before the war?

Answer. No, sir; I was admitted to the bar only a few months before I went into the army. I was a young man then, only twenty-one, about the time the war commenced.

Question. You had just been admitted to the bar at the outbreak of the war?

Answer. Yes, sir.

Question. The object of this inquiry is to ascertain the condition of the country in the late insurrectionary States, especially in relation to the degree of order and peace there, how far person and property are respected, to what extent there are unlawful violations of either, and whether offenses of that character, if committed, are duly

prosecuted and punished; and more especially whether in any portion of the country unlawful acts are done to persons or property by bands of armed men going about in disguise. Will you now give us any information which you have in relation to the condition of affairs in your part of the State of Georgia, especially in your judicial circuit where your official duties are?

Answer. Well, sir, I have known of some crimes being committed by parties in disguise. If you require me to do so, I can give you a statement of what I know.

Question. Go right on and state, without being inquired of, all that you know upon that subject. I intended merely to give you an outline of our line of inquiry, and then have you go on and make your statement fully.

Answer. Well, occupying the position I do, there have been various reports made to me.

Question. By the way, let me inquire how long you have held this office of solicitor general?

Answer. A little more than two years. As I was saying, various reports were made to me, but I never got possession of any facts until last March. At the superior court in Chattooga County, some parties represented to me that there had been some crimes committed by bands of men in disguise; and we laid a plan to capture some of the Klan, and did get three of them, and I indicted them for robbery. They had taken some guns and pistols from some colored people, and I convicted them of robbery, and they were sentenced to the penitentiary for seven years each. I had an interview with all the party after they were convicted; however, there was only one——

Question. Perhaps before going on with that you had better give us an account of that transaction as fully as you understood it.

Answer. The testimony developed on the trial showed that these parties went out in disguise. I had their disguises in court, a kind of black gown, and a black mask that went over the face, with places cut for the eyes, and some fantastic colors about it in places to make it look frightful. They went to the houses of three different colored men; from one they took a gun, from another a pistol, and from another two pocket-knives, I believe.

Question. When was that?

Answer. That was in last January or February. They also met a white man on the road, and took his watch from him. I do not remember the names of the colored men, but the name of the white man from whom they took the watch was Enoch Phant. I believe those were all the crimes they committed. I indicted them for robbery in each one of the cases.

Question. How large a body of men were there out at that time?

Answer. It appeared from the testimony that there were only five men in that party that any of the witnesses saw. After conviction one of the parties stated to me that they belonged to a regular organization of that sort; that one of their party had been taken out of a calaboose by the organization a week or two before that, where he had been confined for some minor offense.

Question. Taken out by force, rescued?

Answer. Yes, sir; he gave me the names of some persons that he said belonged to the organization—a great many of them; some persons that did belong to it, and some that did not; that is my opinion about it.

Question. State all that he said to you about it?

Answer. He said to me that he did not know anything about the extent of the organization. I endeavored as much as possible to get at the root of the thing; but he stated that he did not know anything about the extent of the organization, that he simply knew that there was an organization in his militia district, and that he had been with parties from one or two other militia districts; that he understood there was an organization of that sort in each militia district. I do not know anything that would substantiate what he said, except in one case. There is one militia district in my county in which he represented that the Klan from that district was with him on a certain night previous to the time of the crimes which were committed, and for which he was convicted. I have found since that some of the men he reported to me as belonging to it have been committing crimes in the same way. One man, I think John Penny—I know his name is Penny, but I am not so certain about the given name—one of those whom he told me belonged to the Klan, I managed to get an interview with, by making a promise to him that he would not be prosecuted. I got him to come to town and see me in a private room; and he there told me that he did belong to the Klan, and he acknowledged having been with a party that committed some other crimes in the county in which I live. As soon as the men connected with it found that I had had an interview with this Penny they all ran off, and left the country, so that I have not been able to capture any of them yet.

Question. Did any of these men tell you anything about the manner of the organization, any particulars about it?

Answer. No, sir; they neither one knew, or they said they did not know, about how it was organized. They said it was the understanding with them that there was such

an organization, but all they knew about it was that they had to obey without any question the orders brought to them.

Question. Did this organization to which they belonged have officers?

Answer. Yes, sir; they had a captain, and that was the extent of their knowledge; in both of these militia districts I testify about there was a captain of a Klan; as to the organization above that, they did not themselves have any knowledge.

Question. They knew there was some organization above them, from which they received their orders?

Answer. Yes, sir.

Question. Did you learn from either of those, or from both of them, how long this order had existed there, or when it commenced?

Answer. No, sir; I do not remember that they told me about that.

Question. How early did you first hear of these bands of disguised men being seen in your part of the State, in your circuit?

Answer. Well, sir, it has been nearly two years.

Question. When it commenced?

Answer. Yes, sir; when I first heard of them.

Question. Did they begin to commit outrages, unlawful acts, as early as that?

Answer. I do not think they did; I did not hear of any at first. The first unlawful act that I remember——

Question. What did you hear about that; what was the first indication of their committing unlawful acts?

Answer. Well, sir, the first indication that I remember was that they would get together in disguised bands and go around through the neighborhood and frighten the colored people; they gave several persons in the country written notices prescribing to them the manner in which they should conduct themselves, and if they did not, stating that they would have to leave the country, &c. That was the first thing I heard of their doing.

Question. What was the substance of these notices, and to whom were they given?

Answer. The main thing that was at the bottom of it was simply this, what the southern people call negro equality. If a man there was in favor of universal suffrage he made himself very obnoxious to the people; and if he is in favor of it, it is best for him to keep it to himself.

Question. And these notices were given to that class of men?

Answer. Yes, sir.

Question. Can you state the substance of the notices, whether they were to leave the country, or to leave off talking about negro suffrage, and to quit supporting it?

Answer. To leave off talking about negro suffrage, and to quit supporting it.

Question. About how soon did they begin to commit acts of violence anywhere?

Answer. Well, sir, I think that in last January and February the first cases of violence were reported to me, about the time this robbery was committed. There was a colored man in the same county by the name of Jourdan Ware ——

Question. Right there in regard to that case, what were the particulars?

Answer. He was a colored man. With us, colored men frequently have different names; his name has been published in the papers as Green Foster, but Jourdan Ware was the name I used in trying to get an indictment.

Question. That was the name he went by?

Answer. Yes, sir.

Question. State all the circumstances which you learned about the manner of the outrage committed upon him.

Answer. The negro had belonged to Green Foster's father; Green Foster is the young man who gave me a statement of the facts. These men went to his house and represented themselves as being Union soldiers, and that they were going around the country to organize a counter organization to the Ku-Klux; and this boy agreed to go into the organization.

Question. This colored man?

Answer. Yes, sir, this colored man. He started on with them, and went off some considerable distance, perhaps a half a mile, from the house, and then they killed him.

Question. Was that a body of men in disguise?

Answer. Yes, sir.

Question. Did you understand about how large a force that band consisted of?

Answer. No, sir; Mr. Foster gave me the names of about seven or eight that he supposed were with the Klan that night, but there were a large number of others that he had no idea who they were. Judge Wright, a gentleman from Georgia, who is now here, can testify all about the facts if you can get them from him, for he was employed by the father of one of the boys engaged in the killing, for they thought we were going to make arrests some six weeks ago. Judge Wright got possession of all the facts from him.

Question. Did you understand that there was any allegation against this colored man that he had done anything?

Answer. No, sir; Mr. Foster represented to me that he was a very good kind of a man, that there was nothing against him.

Question. But he was ready to join in with the band against the Ku-Klux?

Answer. Yes, sir.

By Mr. COBURN:

Question. Was that the pretext or excuse which they gave for killing him?

Answer. I suppose it was. They called there and pretended to be Union soldiers, and got him off under that pretext away from the house.

By the CHAIRMAN, (Mr. POLAND:)

Question. You have heard of no other reason alleged for that murder except that?

Answer. No, sir.

Question. You undertook to prosecute some persons that you supposed were engaged in the killing of that man?

Answer. Yes, sir.

Question. When was that?

Answer. At our last court in Chattooga County; but I failed in this way, I was not able to get the names of the parties.

Question. You could not identify them?

Answer. No, sir; I could not identify them.

Question. You got possession of the names of several persons that you supposed, or that somebody supposed, were in it?

Answer. Yes, sir; and one or two of them have left the State; there is no doubt they were the parties, but I could not make the proof.

Question. When did those persons leave?

Answer. I think about six weeks ago; not longer than two months ago.

Question. About the time you were trying to get a bill against them?

Answer. No, sir, some time afterward; I was still ferreting the matter out.

Question. You were still pursuing it.

Answer. Yes, sir; with a pretty fair prospect, I think, of getting at the facts. They left, and perhaps now I never will get the facts.

Question. Can you state any other instance; are there any other instances where persons have been killed by these bands?

Answer. Yes, sir; there was one other case in my circuit reported to me a short time before I left home, where a negro was killed in Haralson County by a band of disguised men. I have not been there, but a gentleman from that county came up and let me know.

Question. What did he say?

Answer. He said that there was a party of men came to his house and killed him that night; that he knew no reason why it was done. He reported that the people in the county were very much outraged, and were going to hold a meeting and condemn the action of the Klan, which I think it is likely they will do. I believe that county is considered to be more loyal to the Government than most of the other counties in my circuit.

Question. Have you information of any other acts of violence committed by these bodies of disguised men that did not result in death?

Answer. None, except what this man Penny stated to me. He told me that the party that he belonged to had taken some guns from some colored people, and that they whipped one; I think they took two or three guns, and whipped one colored man.

Question. What was the object of taking the guns away from these colored men?

Answer. Well, sir, he gave no reason for it.

Question. Why did they whip this man?

Answer. He gave no reason for it at all. He said that they went there and were looking for guns and pistols, and taking them away from the negroes, and this one said something they did not like, and one of the men whipped him.

Question. He was not civil?

Answer. So he said.

Question. And they whipped him?

Answer. Yes, sir.

Question. Have you stated all the instances of violence by these bands in your circuit that you have any knowledge of?

Answer. All that I have any knowledge of; I have heard rumors of others, but I do not have any reliable information of any others.

Question. You succeeded in convicting three of the men that were engaged in this taking away of guns, &c.?

Answer. Yes, sir.

Question. Will you state the names of the counties that compose your judicial circuit?

Answer. They are Floyd, Walker, Chattooga, Haralson, and Paulding.

By Mr. BECK:

Question. In which one is Rome?

Answer. It is in Floyd County.

By the CHAIRMAN, (Mr. POLAND:)

Question. Can you give any opinion, other than you have given, in relation to the extent of this organization?

Answer. Well, sir, my opinion is that the organization is thorough throughout the State, or at least it has been.

Question. How lately have they appeared anywhere?

Answer. Well, sir, I have heard of some within the last three weeks.

Question. You have heard of their being abroad in bands and in disguise?

Answer. Yes, sir.

Question. Now, from what you have observed, and from what you have heard, what, in your opinion, is the object and purpose of the organization?

Answer. That is a very hard question to answer.

Question. You probably have a judgment and an opinion about it, formed upon what you have seen and heard?

Answer. My opinion is that the order was gotten up and is kept up, as a rule, by the men who are disfranchised; that is my opinion. I think that it is the purpose of the organization to control the colored population. There is a kind of vague notion with a great many people in the country, and it is an honest conviction with them, that they are in danger from the colored population. As a general thing, when persons there attempt to justify the operations of this Klan they do it upon that theory, that it is necessary to keep the colored people down to keep them in subordination. And my opinion is that that is the ground of the whole of it. The idea of the liberation of the slaves, and the conferring upon them universal suffrage, is so obnoxious to the people of that country that I think that is the cause of the whole of it.

Question. In your judgment, is it designed to have an effect upon them to deter them from exercising the right of suffrage; to make them afraid to vote?

Answer. I do not know of any act that has been done that would justify me in saying that they had deterred and intimidated any one from voting.

Question. No direct instance of that kind?

Answer. No, sir; no direct instance.

Question. I speak of its general purpose. What has been the behavior and deportment of the colored people as a class since they were enfranchised? In your judgment, is there any foundation for any fear that they will invade the rights of the white people?

Answer. Their conduct has generally been good, better than I expected. I do not think there is any danger whatever of any violence or injury from the colored race toward any person.

Question. Has anything been done by them to afford any fair ground of fear of that, in your judgment?

Answer. Nothing as a race, or as a class. There have been some very heinous crimes committed by colored people, and they have committed a great many crimes; but I have never failed to be able to convict them.

Question. There has been no difficulty in any case in putting the law in force where the colored man has committed a crime?

Answer. No, sir.

Question. What has been the effect of the operations of these bands of men upon the colored people; what state of feeling has it produced among them?

Answer. Well, sir, the colored people are more or less in fear from the operations of this Klan, less disposed to take any part in public affairs of any sort.

Question. You think it has produced a fear among them that deters them from exercising their political rights?

Answer. I do.

Question. Have any of them moved away, gone away, on that account?

Answer. None that I know of.

Question. Have you heard of the operations of these bands of disguised men in your State beyond the limits of your circuit?

Answer. Yes, sir.

Question. In other parts of the State?

Answer. Yes, sir; I have heard of them in various parts of the State.

Question. Are their operations in other places of a similar character to what they have been in your circuit?

Answer. Yes, sir.

Question. Do you know whether, as a general rule, so far as you have any information upon the subject, the offenses committed by these armed bodies of men in other places have been prosecuted and punished?

Answer. I have not heard of any case of conviction. I suppose that those I have myself convicted are all that have been convicted in the State.

Question. Do you think that in that community there is any indisposition to testify through fear—to give information against these bands on account of the fear produced by them?

Answer. I think that has been the case to a very considerable extent, and it is yet to some extent. But in my circuit I am satisfied now that I have the coöperation of most of the officers of the court. I have labored to that end and I think I have succeeded.

Question. Do you have the coöperation of the community?

Answer. Well, sir, they are divided.

Question. How divided?

Answer. There is a portion of the people who are very anxious to see the Klan broken up and to see these parties punished, while there are some, of course, that will justify it.

Question. Palliate it or excuse it?

Answer. Yes, sir.

Question. And is that portion of the community indisposed to give any aid to ferret out these parties and punish them?

Answer. Yes, sir; they will not give any assistance whatever in the way of information or otherwise.

Question. Does the opinion in relation to the propriety of putting down this organization and stopping its outrages partake, to any extent, of a political character?

Answer. The question stands in this way now: All of the republican party are in favor of putting it down, and there is a division in the democratic party. A great many good men in the democratic party are in favor of putting it down, and have coöperated with me in trying to do so in my circuit.

Question. How about the other portion?

Answer. Well, sir, the other portion would cover up everything they can for them. I presume that most of the others belong to it, or have some of their families or friends in it; that is my opinion.

By Mr. POOL:

Question. You said that you have convicted two or three of these parties?

Answer. Three.

Question. What has been done with them?

Answer. They were sentenced to the penitentiary.

Question. For what length of time?

Answer. Seven years each.

Question. Have they been sent there?

Answer. Two of them have been, so I have been told. I know that I sent the men to Atlanta, and I know that two of them are in the penitentiary.

Question. Where is the other one?

Answer. The other one is still in jail at Atlanta.

Question. Why has he not been sent to the penitentiary?

Answer. I requested the governor to keep him there in order that I might use him as a witness in case I could capture any of the others; and he has kept him there for that purpose.

Question. Was there any manifestation of resistance to the execution of the law in sending these men to the penitentiary?

Answer. No, sir.

Question. Was there any effort to release them from jail?

Answer. No, sir.

Question. What was the character of these three men outside of these transactions for which they were convicted?

Answer. I am not acquainted with their character.

Question. Are they ignorant men?

Answer. Yes, sir; they are illiterate men.

Question. Are they men of any means?

Answer. No, sir.

Question. What are their ages?

Answer. They are all young men, perhaps not far from twenty, twenty-one, or twenty-two, somewhere along there; I am merely guessing at that.

Question. To what political party do they belong?

Answer. I do not know.

Question. Were there any extraordinary efforts made to defend them in court?

Answer. Yes, sir; they had very able counsel, the best there was in the circuit.

Question. How many lawyers appeared for them?

Answer. Two.

Question. The best in the circuit?

Answer. Yes, sir.

Question. Were those lawyers assigned them by the court?

Answer. Yes, sir.

Question. Was there anything outside of what the lawyers did—any manifestations among the people there, and the leading men there—to help them?

Answer. Nothing that I observed. There seemed to be a fair legal trial; nothing improper about it on either side.

Question. Were others on trial for the same offense at the same time and in the same court?

Answer. None for crimes committed in disguise except these three men.

Question. Did you convict them by outside testimony or by testimony of persons that belonged to the order?

Answer. By outside testimony.

Question. Nobody confessed that he belonged to the order?

Answer. No, sir; I had the property that had been taken from the parties and their disguises, which I used in evidence in court.

By the CHAIRMAN, (Mr. POLAND:)

Question. The confession this young man made to you was since the trial?

Answer. After conviction.

Question. He is the one you have retained in jail?

Answer. Yes, sir; he is the one I have retained in the Atlanta jail.

By Mr. POOL:

Question. You say you have heard of other outrages in different parts of the State committed by these men in disguise?

Answer. Yes, sir.

Question. Are the victims members of one party?

Answer. I cannot tell you anything about their political standing. I merely hear of parties going through the country and committing crimes in disguise; I am not acquainted with the men.

Question. Did you ever know one of these outrages to be committed upon a white man?

Answer. I have heard of it.

Question. Whipping?

Answer. Yes, sir.

Question. Do you know the politics of the parties who were victims of these outrages in your circuit?

Answer. I think I do pretty generally.

Question. Are the victims all of one party?

Answer. I am not positive about this man Phant; all the others I know belong to the republican party.

Question. What was the case of this man Phant?

Answer. I do not know whether he was a democrat or a republican.

Question. Was he whipped?

Answer. No, sir; they took his watch away from him.

Question. Is there a state of intimidation among the republicans there—a feeling of dread and terror—on account of these things?

Answer. Not among the white republicans, that I know of; that is, I have not had any fear.

Question. Is there among the colored people?

Answer. I think there is.

Question. You said the effect of this was to keep them from taking any part in public affairs?

Answer. Yes, sir.

Question. You do not know whether such is the intention?

Answer. I do not.

Question. Did the man who made the confession to you say anything about that, whether it was to keep negroes from voting, or anything of that kind?

Answer. No, sir.

Question. Did either of them give the obligation taken by the order?

Answer. One did; he could not tell all the obligation, not the exact language of it, but he went over what he remembered. The principal part of it was that they should obey all orders without question or investigation; that whenever an order came they were to execute it. They were also bound by their obligation to be subject to the call of the captain of their district, to meet when notified, and to keep secret everything that was done.

Question. Was anything intimated as to what was the purpose?

Answer. No, sir; nothing more than what I have already stated.

Question. To accomplish what?

Answer. They represented that it was to keep the negroes in subordination.

Question. To keep them down?

Answer. Yes, sir.

Question. You say that there was nothing on the part of the negroes, in their conduct, that would warrant any such movement?

Answer. Nothing as a race.

Question. They have been orderly and peaceable?

Answer. Generally.

Question. Except in individual cases?

Answer. Yes, sir.

Question. Have you known a great many negroes to be taken from their houses and whipped? Have you heard it from reliable authority?

Answer. Yes, sir.

Question. Any killed?

Answer. I have heard of their being killed.

Question. You have heard of these men riding about in their disguises, displaying themselves in the night-time?

Answer. Yes, sir.

Question. With arms?

Answer. I do not know about their arms; sometimes they have arms, and sometimes not, at least none that could be seen.

Question. Do you suppose taking the negroes from their houses and whipping them at night, outraging them in that way, is calculated to allay any bad feeling the negroes might have against the white people, or otherwise?

Answer. My opinion is that it would have a tendency to make them worse.

Question. To make them worse?

Answer. That is, if the negroes had any resentment. That is the position I have taken all the time, that it was a bad way to control the negroes.

Question. Would it not be likely to stir them up to take revenge by burning houses, barns, &c.?

Answer. It is reasonable to suppose that it would; but there has been nothing of that sort.

Question. No burnings of houses or barns there?

Answer. None in my circuit.

Question. Is your circuit democratic or republican?

Answer. Democratic.

Question. Are the county officers democrats?

Answer. Yes, sir; except in Haralson County, where they are republicans.

Question. No excuses that improper officers have been elected have been assigned as a reason for such things?

Answer. I have known of no corruption on the part of officers.

Question. The democrats have full control of everything?

Answer. Yes, sir.

Question. There has been no burning of barns?

Answer. None that I have heard of.

Question. The negroes have been orderly?

Answer. Generally so.

Question. You say you have had no difficulty in having the law executed upon negroes, when individuals of that race have committed outrages?

Answer. No, sir.

Question. No difficulty about it?

Answer. No, sir; none at all.

Question. Your difficulty has been in executing the law upon white men who have committed these outrages?

Answer. The difficulty has been in identifying them; I believe I could convict the men if I could identify them.

Question. Suppose you had the assistance of the better part of the community earnestly given, would you not be able to ferret them out in all probability, and identify them?

Answer. I think I would.

Question. The reason why they cannot be identified is because a great part of the white people do not help with earnestness to ferret them out and pursue them?

Answer. Well, sir, I cannot regard the Ku-Klux Klan as being the better part of the community; I think it is the bad part.

Question. The bad part of the community?

Answer. I do, most assuredly.

Question. Do you think any good men belong to it?

Answer. I think some good men have belonged to it, but I believe they have quit it; I do not believe there is any good man in it now.

Question. I mean men who had a fair character before, and in regard to other acts.

Answer. I think there are men who have got some standing in the community belonging to it.

Question. And some influence?

Answer. Yes, sir.
Question. You think there is still another class of men of more influence that encourage it and in some degree direct its operations?
Answer. Yes, sir; I think that is the case to some extent.
Question. Men of still better standing?
Answer. I think there are some men of considerable influence in the country who stand back behind and sort of govern the thing and encourage it.
Question. What is the politics of those men?
Answer. Well, they run in the democratic line, all of them that I have any suspicion of having any connection with the Klan.
Question. Do you know any republican who encourages this thing?
Answer. No, sir.
Question. Do they oppose it in a body and denounce it?
Answer. Yes, sir.
Question. You find no difficulty in identifying negroes and bringing them to justice when they commit crimes?
Answer. No, sir; I have had no trouble at all in convicting them.
Question. Is your judge a democrat?
Answer. Well, no; he is not a democrat, he has hardly got any politics. He was appointed by Governor Bullock, the republican governor.

By the CHAIRMAN, (Mr. POLAND:)

Question. Who is the judge of your circuit?
Answer. R. D. Harvey.

By Mr. POOL:

Question. You think the cause of this thing was the emancipation of the slaves, as you said just now, and the conferring upon them civil rights, among other rights that of voting?
Answer. Yes, sir; that is my opinion.
Question. That is at the bottom of it?
Answer. Yes, sir.
Question. The object of this organization is to prevent the free exercise by the negroes of such rights?
Answer. It is very hard for me to testify as to that being the object; I think it has that effect, but not being acquainted with the organization, I would dislike to testify that it is for that purpose.
Question. You cannot testify as to the purpose?
Answer. No, sir.
Question. What is your judgment from the manifestation of it? You say it is a general organization, you think, and that it extends all over the State?
Answer. Yes, sir; my opinion is that it is intended to control the colored race in every respect, politically as well as in every other way, and to keep them in subjection to the whites. And people justify it upon the ground that it is necessary to keep the negroes in subjection,
Question. Have you conversed with the members of the bar who practice in your circuit upon this subject?
Answer. Yes, sir.
Question. What is the general sentiment of the bar in your circuit on that subject?
Answer. Well, sir, lawyers are about like people generally; some of them will justify it and others will condemn it.
Question. What is the proportion between those who palliate it and justify it and those who condemn it?
Answer. Well, sir, there are a great many more of course who will attempt to palliate and excuse.
Question. More of them?
Answer. Certainly, about in proportion to the people.
Question. That is the case even among members of the bar?
Answer. Yes, sir.
Question. How many republican members of the bar have you in the circuit?
Answer. Well, sir, we have about five.
Question. Do any of them justify or palliate these offenses in any way?
Answer. No, sir; they are all known to be openly opposed to it.
Question. How many democratic lawyers in the circuit join these republican lawyers in denouncing this thing?
Answer. It would be very hard for me to give the number. I know there are some, perhaps one-fourth, of the members of the bar.
Question. Of the democratic lawyers?
Answer. Yes, sir.
Question. Who join with the republican lawyers in denouncing these things?

Answer. Yes, sir.

Question. Among those who offer these excuses and palliations are there any men who have been at the bar a great number of years, who have standing and character and influence?

Answer. O, yes, the most prominent men in the circuit.

Question. They are those who palliate and justify it?

Answer. Yes, sir.

Question. Are they leading politicians too?

Answer. Well, some of them are.

Question. The politics of your judge seems hardly to be known. Does he manifest any feeling on the subject?

Answer. He is very much opposed to this Klan. He has taken no active part in politics at all; he was originally an old whig.

Question. Have you reason to believe that the sheriffs and the deputy sheriffs of any of your counties are in collusion with, or disposed to overlook and palliate, crimes of this kind?

Answer. No, sir; I do not know of any acts of theirs that look in that direction. The sheriffs have manifested to me a desire to assist me in ferreting out the crimes committed by these parties.

Question. There has been no resistance to processes or anything of that sort?

Answer. No, sir.

Question. Did the men who confessed to you tell you that it was part of their obligation not to resist process?

Answer. Both men told me it was a part of their obligation to assist each other when necessary.

Question. Did they tell you that they were not to resist officers who went to arrest them?

Answer. I do not know that they spoke of that particularly; but they said that they were not to permit one of their Klan to be convicted or punished.

Question. They were to prevent that by rescuing them?

Answer. Yes, sir.

Question. Did they tell you about getting some of their men on juries, or swearing for one another in courts, swearing to *alibis*?

Answer. No, sir.

Question. You say occasionally white republicans have been whipped?

Answer. Yes, sir; I have heard of a few.

Question. You think the object is to control and keep down the negroes?

Answer. Yes, sir.

Question. How does the whipping of the white republicans tend to that?

Answer. Upon the ground that they were advising with the negroes and coöperating with them.

Question. It is to keep the white men from standing up for the rights of the negroes?

Answer. Yes, sir.

Question. Have you had any Union Leagues in your country since 1868?

Answer. Not since 1868. It was in 1866 that they were organized.

Question. Did the League disband in 1868?

Answer. Yes, sir; I have not heard of them since.

Question. So that the existence of the Union League can be no excuse for these acts?

Answer. None that I know of.

Question. Were you a member of the Union League?

Answer. I was not.

Question. Well, as I understand you, then, whatever excuse these men could have for their crimes and outrages elsewhere, they give none there except that it is necessary to keep the negroes down?

Answer. That is all I have heard of.

Question. Has there been generally some allegation of crimes against the negroes who have been whipped or killed; have they pretended that they have been guilty of some crimes?

Answer. Yes, sir; I have heard such reports as that.

Question. You have known many negroes there to be guilty of crimes, and to be convicted of them?

Answer. Yes, sir.

Question. Have those been the negroes that the Ku-Klux visited and whipped?

Answer. No, sir; I have never prosecuted a negro for any crime who has been whipped by the Ku-Klux.

Question. They generally allege some crime?

Answer. Sometimes they do, and again they do not.

Question. You hear nothing alleged sometimes?

Answer. They justify themselves in taking arms away from colored people.

Question. Have you ever known colored people there to use their arms to hurt anybody?

Answer. No, sir.

Question. Have you ever known them to threaten to do it?

Answer. No, sir.

Question. Have you ever heard of their threatening to do so?

Answer. No, sir.

Question. They think it is a little more safe to go about and take negroes out and whip them if they do not have arms than if they do have arms, do they not?

Answer. I think there would be less danger.

Question. Do you think there are some negroes in your community who would be likely to use arms under those circumstances?

Answer. I think some would.

By Mr. BECK:

Question. How many cases have come under your cognizance in your district of Ku-Klux offenses? You have named the case of Penny.

Answer. Penny was not convicted; he was one of the parties reported to me as being Ku-Klux, and I had an interview with him.

Question. Give us the cases in your district that you know of by information.

Answer. Do you mean that have been reported to me?

Question. Yes.

Answer. Well, it would take a great while to give them.

Question. In what case was it that you convicted three men?

Answer. That was the first case I had any immediate connection with; it was in Chattooga County; I convicted three parties that had committed some crimes in disguise; I had them indicted in three cases and convicted them.

Question. What is the name of the man who is still in jail at Atlanta?

Answer. John Payton.

Question. In that case it was supposed there were five persons connected?

Answer. Yes, sir.

Question. And three were convicted?

Answer. Yes, sir.

Question. The statements that Payton made to you were, in your opinion, partly true and partly false?

Answer. I think so.

Question. That was the case where the three men you convicted were young men from twenty to twenty-two, men without position and without character, so far as you know?

Answer. Yes, sir.

Question. And their politics are unknown to you?

Answer. I do not know their politics.

Question. The other two have made their escape from the State?

Answer. I do not know where they are; I have never been able to arrest them.

Question. Those you did succeed in arresting you had no trouble in convicting on a fair and impartial trial?

Answer. No, sir.

Question. Counsel was assigned them by the court?

Answer. Yes, sir.

Question. Is it your habit always to assign the best counsel?

Answer. They had the best counsel in the circuit.

Question. That is your habit when assigning counsel?

Answer. Yes, sir.

Question. There was no attempt at rescue?

Answer. No, sir.

Question. Was your jury composed of part democrats and part republicans?

Answer. Yes, sir.

Question. There was no indisposition on the part of the jury to convict?

Answer. None whatever, that I know of.

Question. Have you ever had a case where you presented your case fairly before the jury, that you have had any trouble in convicting men of crime because of their politics?

Answer. None at all.

Question. So that whenever you can identify a man and fairly prove the crime against him, your people there will execute the law regardless of politics?

Answer. Yes, sir.

Question. Your difficulty has been in ascertaining who the men are?

Answer. Yes, sir, that is the trouble.

Question. Once ascertained, conviction follows as certainly there as anywhere else?

Answer. Yes, sir.

Question. The witnesses, jurors, and the court, all act together in maintaining the law?

Answer. Yes, sir.

Question. These robberies were committed in January or February last?

Answer. Yes, sir.

Question. The man that was killed in your district of the name of Green Foster was the other case you spoke of?

Answer. Jourdan Ware was killed; Green Foster brought me the information.

Question. Did that negro have more than one name?

Answer. Yes, sir. I have seen his name published as Green Foster, but it was the same man. Some people give him the name of his former master, but the name that he registered by and was known by was Jourdan Ware.

Question. When Jourdan Ware and Green Foster are spoken of, is it the same man?

Answer. Yes, sir.

Question. Nobody was punished for his killing?

Answer. No, sir.

Question. The men you had information about from Foster have escaped from the State?

Answer. One or two have gone, but the others we still have suspicion against; but we cannot identify them.

Question. The killing of Jourdan Ware was by men in disguise?

Answer. Yes, sir.

Question. Was it stated at the time that he agreed to go with the men who professed to be Union soldiers, and to aid them in killing men they believed to be Ku-Klux?

Answer. Yes, sir, that was the way it was represented to me.

Question. And while going with them, as he believed, for the purpose of killing men called Ku-Klux, those men killed him?

Answer. Yes, sir.

Question. That is the extent of the case, as you understand it?

Answer. Yes, sir.

Question. They got him to agree to do that thing under pretense that they were Union soldiers, instead of being Ku-Klux themselves?

Answer. Yes, sir, that was the way the crime was committed.

Question. That occurred when?

Answer. That was about January or February, close to the same time that the other acts were committed.

Question. What other killing, by disguised men, in your circuit, came to your knowledge?

Answer. The case in Haralson County, only six weeks ago, perhaps two months. I have not been in that county since; we have had no court there; therefore I am not acquainted with the facts. But a man came up and let me know that there had been a colored man killed there by a party of men in disguise.

Question. You do not know whether any persons have been arrested for that?

Answer. There had not been at that time.

Question. You know none of the circumstances of the killing?

Answer. I do not.

Question. That is the only other case of killing in your circuit?

Answer. There were none others in my circuit. A colored man was killed in a county adjoining my circuit by a party of men in disguise; but I am not acquainted with the facts in the case, for it was not my business to look it up.

Question. This Jourdan Ware case, and the case in Haralson County, are the only two cases recently of killing in your circuit by men in disguise, that you know of at present?

Answer. Yes, sir.

Question. In regard to the other cases of which you have heard, you are not advised whether the perpetrators of the acts were white men or black men, or whether they were democrats or republicans; they are wholly unknown to you?

Answer. Wholly unknown to me.

Question. And the causes also unknown?

Answer. Certainly, I do not know anything about the causes.

Question. While nothing has been done by the negroes as a race, you say quite grievous offenses have been committed by individual members of that race?

Answer. Yes, sir.

Question. Is it not true that you have a very large negro population in your district who have been wholly unmolested?

Answer. O, yes, sir.

Question. And the injuries done to the individuals have been exceptional when compared with the whole race, just as the crimes committed by negroes have been exceptional when compared with the whole race?

Answer. Of course the depredations have been but few compared with the number [illegible] race in the circuit.

Question. And the offenses have been few by the race as compared with the number of the race?

Answer. Yes, sir.

Question. The pretense, or whatever you call it, of the men who have been doing acts against the negroes has been that the individual negroes have been guilty of offenses; that is what they pretend?

Answer. It has been so represented in some cases.

Question. In the case of Jourdan Ware, or Green Foster, the excuse for killing him, I understand, was that he was, as he believed, on his way with men he supposed to be his friends, he himself to go and kill others illegally?

Answer. That he was with Union soldiers to organize in opposition to the Ku-Klux.

Question. Did it not go further than that; that at the same time he was killed he thought he was going with them to kill other men?

Answer. I think that was so; I think they had started out on a raid that night.

Question. They had started out on a raid for that very purpose?

Answer. Yes, sir.

Question. And he believed he was going with his friends on a raid to commit outrages himself?

Answer. Yes, sir.

Question. And he was killed under these circumstances, as you are advised?

Answer. Yes, sir.

Question. Have there not been a great many crimes committed on white persons within the last few years such as robbery, larceny, and other quite heinous offenses, the perpetrators of which have never been discovered and brought to justice in your circuit?

Answer. O, yes, sir; a great many have escaped.

Question. Whether the perpetrators of those offenses were white or black, you do not know?

Answer. We generally know whether they were white or black; but, of course, I cannot tell whether there have been more colored persons escaped, or more white persons escaped. I suppose it has been about in proportion to the numbers of the two races.

Question. And how far those persons who were believed to have been guilty of those offenses, against whom you could not obtain proof, have been the victims of outrages you have no information?

Answer. I cannot say; I do not know of any.

Question. Not knowing the parties, you cannot tell?

Answer. No, sir.

Question. Were there any accusations made that they had been guilty of offenses, and that there was no proof against them; has it been said that that was at the bottom of these outrages upon them?

Answer. I do not think it has, not that I know of.

Question. Has, or not, the governor, within the last year or so, been extremely liberal in his pardons of his political friends?

Answer. He has been extremely liberal in his pardons generally.

Question. Has, or not, that fact diminished the sense of security of your people very greatly?

Answer. Well, sir, I do not know that it has; that is an excuse.

Question. I mean they make that as an excuse?

Answer. Yes; they make that as an excuse in some cases.

Question. Have, or not, a number of persons who have been convicted, after a fair trial, been pardoned and turned loose again in your community?

Answer. None in my circuit; I have heard of some in other circuits. Governor Bullock has pardoned several men in my circuit before conviction, which he has the power to do under our constitution. I have opposed Governor Bullock in that policy of his, and I think it has had a bad effect.

Question. When was your last election held there?

Answer. For the last legislature?

Question. Yes.

Answer. It was held last January.

Question. You spoke of lawyers at your bar, and prominent men, many of them palliating and excusing these outrages. Upon what basis did they do that, those who did it?

Answer. Well, sir, upon the ground, as I stated before, that it was necessary to control the negroes.

Question. Control them, how?

Answer. Well, generally; to keep them in subjection to the white race. They argued in this way, that it is dangerous to allow them to have arms, and to keep arms in their hands; and they did not pretend to recognize the right of the negro to suffrage; they do not believe they ought to have that privilege; they justify it upon that idea.

Question. Justify the right to go and kill them upon that idea?

Answer. I do not think they do that. I do not want to be understood as saying that any members of the bar in my circuit would justify at all the killing of a man by this Klan. They justify the organization, but they do not justify the killing of a man for a thing of that sort.

Question. Do they justify the taking him out of his house and whipping him?

Answer. I think they would.

Question. Without any offense having been committed by him, simply because he is a black man?

Answer. Yes, sir, I think so.

Question. Give us the name of some prominent lawyer in your district who justifies anything of that sort, and we will try to get him before us and hear what he has to say.

Answer. I do not think that, as a rule, in that country they regard it as any offense to whip a negro.

Question. If the majority of your bar, or a respectable number of men in practice there as lawyers, justify the right of any one to take anybody from his house, without any excuse for it, without his having been guilty of any offense, and to whip him, I would like to know the names of some of them; I want the names of some of the men who would put it on that ground.

Answer. They might not justify the taking a man out and whipping him for no offense whatever, but they would construe a great many things to be offenses that you would not.

Question. Then you did not intend to tell Senator Pool that any members of your bar would justify the taking a man out and whipping him, punishing him in any way, whether he be white or black, who had been guilty of no offense?

Answer. I think they would, where he had been guilty of no offense against the criminal law of the land. If a negro was to show any impudence, what is called impudence there, they would justify his being whipped for it.

By Mr. POOL:

Question. Impudence to a white man?

Answer. Yes, sir; if they showed any impudence to a white man; that is, if they did not occupy about the same position to the white race as they formerly did.

By Mr. BECK:

Question. Then there is no member of your bar who you are willing to say will justify the whippng of a negro without cause?

Answer. No, sir, not without some excuse; I do not think they would.

Question. But you think some of them would have excuses that you would not regard as good ones?

Answer. I am certain they would, for a great many things that would not be a violation of the criminal law of the land.

Question. Do not your people believe that your governor has turned loose very many men who were by them believed to be guilty of crime; turned them loose wrongfully, simply because they were his political friends?

Answer. Do the people believe that?

Question. Yes; do the people believe it?

Answer. A great many of them do.

Question. Do or not the people believe that he has offered all sorts of rewards for men without having any sufficient justification for so doing?

Answer. They generally condemn his offering rewards. My opinion is that the rewards he has offered has done more to disband or disorganize this Ku-Klux-Klan than anything else; I know it has in my circuit.

Question. Did he or not pay the sheriff of your county as much as $7,000 on one occasion lately for making arrests?

Answer. No, sir.

Question. What was the amount paid to him?

Answer. There has been no amount paid to the sheriff of my county, or any other sheriff, that I know of.

Question. To whom was it paid?

Answer. There was $7,000 paid to a man by the name of James S. Wyatt for the capture of the three men I have convicted.

Question. The Georgia papers gave some account of that, but I had forgotten the particulars. What was Wyatt?

Answer. A private citizen.

Question. Did he capture them?

Answer. Yes, sir.

Question. Upon information obtained how?

Answer. From the colored men that they had taken guns and pistols from.

Question. I understand you to say that you had obtained that information yourself?

Answer. Mr. Wyatt brought it to me from the colored men when I went there, at the

time the court was held, and I assisted him in planning an arrangement to capture the men.

Question. Had the reward been offered before that time?

Answer. Yes, sir.

Question. How much reward for each?

Answer. There was $5,000 reward offered for the first one of the Klan captured for the commission of any crime, and $1,000 for each additional one.

Question. Three being captured, $7,000 reward was given?

Answer. Yes, sir.

Question. I saw it stated in the Georgia papers—I do not know how true it is—that $2,500 or $2,000 of that sum was paid to you.

Answer. It was so stated in the papers, but it was a falsehood.

Question. Did you get any part of it?

Answer. I got no part of it at all as a reward.

Question. In what form did you get it?

Answer. I got a compensation from Wyatt for assisting him to collect the reward.

Question. Did that compensation amount to $2,500?

Answer. No, sir, nothing in the neighborhood of it.

Question. What did it amount to?

Answer. I do not know that I am compelled to state the precise amount; if I am, I will do it. I simply took a fee as an attorney in the matter, as other attorneys do.

Question. And you refuse to tell how much?

Answer. I will not refuse to tell how much, but I would rather not; I do not care to tell how much; I will tell you my reason why, if you will allow me to do so.

Question. I have no objection to your telling your reason.

Answer. My reason is this: I came very near having a very serious trouble with the editors in my town about it. The fact is, it assumed a very serious appearance there, and seemed likely to lead to very serious consequences, and perhaps a reiteration of all these things might bring it on again. We did not have a personal collision, but we came very near it. The whole matter is now corrected, and everything is peaceable and quiet with us, and I would rather it would remain in that way. I am not ashamed of the amount I received, or of any connection I had with it. I received a fee for assisting in the collection of the reward.

Question. I am still unable to see how it would make any serious trouble to tell what it is. What I desire, and the committee can determine whether it is proper or not, is to know how much you, as the prosecuting attorney for that district, received of the reward offered by the governor.

The CHAIRMAN, (Mr. POLAND.) I do not understand the witness to say that he received anything as prosecuting attorney.

Mr. BECK. Well, the witness being the prosecuting attorney, I want to know what amount he did receive.

The CHAIRMAN, (Mr. POLAND.) The witness says that whatever amount he received he received as the attorney for Mr. Wyatt in collecting the reward.

By Mr. BECK:

Question. Were you at that time the prosecuting attorney of the district?

Answer. I was.

By the CHAIRMAN, (Mr. POLAND:)

Question. I think if Mr. Beck insists upon your stating the amount paid you, there is no valid reason why you should not state it.

Answer. Well, sir, I received $750.

By Mr. BECK:

Question. Is it the law in your State that an attorney who is an attorney for the commonwealth has any legal right to receive fees for aiding in obtaining rewards offered by the government?

Answer. That was the advice that Judge Harvey, the presiding judge, gave me at the time. I consulted with him before I would have any connection with it.

Question. You acted upon his opinion?

Answer. I acted upon his opinion and advice.

By Mr. POOL:

Question. Was there any law against your doing so?

Answer. No, sir, there is no law forbidding me at all from taking a fee.

By Mr. BLAIR:

Question. Can an attorney for the State appear against the State?

Answer. There was no litigation, no appearing.

Question. I mean, can an attorney for the State take a fee for his services against the State?

Answer. Unless there was a case ——

Question. This was a claim against the State for a reward, a claim on the part of this person who claimed this reward?

Answer. Yes, sir.

Question. You, becoming his counsel, as a matter of course took a fee against the State, of which you were an officer, the attorney?

Answer. How do I understand the question you want me to answer?

Question. My question was, whether there was any law against an attorney for the State taking a fee in a case against the State.

Answer. There was no law to prohibit me from taking that business as I took it and receiving a fee for it.

By Mr. BECK:

Question. That is what I want to get at. Does the law of the State of Georgia authorize her officers, of whom you are one, and whose fees she pays, to take fees for prosecuting claims against her?

Answer. There is nothing to prohibit my representing a claim against the State anywhere outside of my circuit. I could sue the State of Georgia in the Atlanta circuit as well as I could sue an individual in my county. In any case where the State is a party in my circuit I have to represent the State.

Question. Was or not this a case in your circuit?

Answer. No, sir.

Question. Was not the offense committed in your circuit?

Answer. The offense was committed there.

Question. Was not the trial had in your circuit?

Answer. Yes, sir.

Question. Did not all the facts originate there?

Answer. Yes, sir; but if I had gone to sue the State for the reward I never would have sued it in my circuit. And I have a perfect right to represent any sort of a case outside of my circuit against the State. I can go and defend on the criminal side of the court in any case out of my circuit.

Question. Did you yourself ever see any disguised men?

Answer. I have seen two besides those I have convicted.

Question. When and where?

Answer. On the night after the court adjourned when I convicted them, and as I was going home.

Question. Those are the only two you ever saw?

Answer. Yes, sir.

Question. The facts of which you have spoken as to the existence of these disguised bands in other parts of the State are simply hearsay?

Answer. Yes, sir.

Question. I understand you to say that you have never investigated them for the purpose of ascertaining their true nature, character, or object, outside of your own immediate circuit?

Answer. No, sir, I have never done so.

Question. And the information you have given relative to their purpose and objects is what other people have told you was their belief?

Answer. It is founded upon the knowledge I obtained from parties who belonged to it, and from others who have reported to me acts which have been committed by them, and from general report.

Question. You made a remark during your testimony that you thought the men who were disfranchised had a great deal to do with these organizations. What do you mean by that?

Answer. I think they are dissatisfied with the Government, and they keep up the organization.

Question. When you speak of disfranchised men, what do you mean?

Answer. I mean men ineligible to hold office.

Question. Men now under disabilities by the fourteenth amendment to the Constitution of the United States?

Answer. Yes, sir.

Question. Who of them have you ever known to say or do anything to justify these things? Let us have their names.

Answer. I have heard Judge Wright, a man now here as a witness, express himself in that way.

Question. Have you heard any others?

Answer. Yes, sir; I have heard Judge Underwood.

Question. Let us hear what Judge Wright has said, as he is here.

Answer. I have simply heard Judge Wright speak of the Government as though a

government that would put him under ban was a government that he could not love, &c. He would express himself as very much opposed to universal suffrage and all that sort of thing, and say a great many things that satisfied my mind that he did not object to the organization as I did.

Question. Can you give any statement of Judge Wright indicating that he favored the operations of this Ku-Klux Klan of which you have spoken? If so, I wish you would state it, for I want to know the extent to which you implicate all that body of men.

Answer. O, sir, he would not justify it to the extent it goes at all. As I remarked a moment ago I do not want it understood that I say any of the lawyers of my circuit justify the killing of men.

Question. What did you want the committee to understand when you said that men under disabilities were men who encouraged and kept up this Ku-Klux organization, of whom you have given Judge Wright as an instance?

Answer. They are the men who control the country. They can take a stand in the country and control it, politically and socially, in one month; they are the men who have always controlled it and who can control it yet.

Question. Do you not know that when any of those men open their mouths on politics, they are denounced by the whole press of the country as improperly interfering, and therefore they are compelled, because of that fact, to remain silent?

Answer. No, sir; I do not think they are.

Question. Do you believe that the people of the country regard those men who are under disabilities—who cannot hold office—as being as free to talk and advise as men who are not under disabilities?

Answer. Yes, sir; some political demagogues may contend that they ought to keep their mouths shut, and allege against them, as a reason why they should not run for office, that they are laboring under disabilities.

Question. Let me ask you, just here, what would be the effect upon your whole people of a general removal of disabilities from all your people; would it be good or bad?

Answer. Well, sir, I think it would be good.

Question. The extent, therefore, to which you implicate these men who are under disabilities is, that they do not use the influence they have in the community to the extent which you think they ought, in order to stop these things?

Answer. Yes, sir.

Question. You do not mean that they give any active encouragement to it, but they fail to frown upon it as they ought?

Answer. Yes, sir; and then they will palliate, you know, rather justify any moderate act—well, for instance, controlling of the negroes. They would not justify any violence, but they would justify the idea of controlling the negroes and keeping them down.

Question. Is there a fear, well or ill founded, that many of the negroes are receiving advice which may lead them to commit offenses against the white people of the country?

Answer. If they receive any such advice or instruction, I have never learned anything about it.

Question. Is there a feeling existing very generally that they are receiving it from a class of men who are seeking to use them for political purposes?

Answer. I do not think there is; I do not think there is any just cause for apprehending any danger at all from the colored people.

By Mr. COBURN:

Question. In answer to a question by Mr. Beck, you said that a man was killed in a county adjoining your circuit. What county was that?

Answer. Bartow County.

Question. What is the county seat of Bartow County?

Answer. Cartersville is the county seat. Before the war, it was Cass County, and the county seat was Cassville; it was changed the first year of the war.

Question. Do you know the circumstances in that case?

Answer. I know nothing more than that it was reported that this colored man and the boss of a steam saw-mill had a difficulty in the evening; that the boss cut him very severely with his knife, and they thought he would die, and this disguised band of men came there that night and shot him. The man who brought the news to me said that the other hands of the saw-mill supposed he was killed for fear he would die and this other man be prosecuted for murder; that was the reason they gave for it.

Question. Did you hear the circumstances under which he was killed, the number of men in the disguised band, the time, &c.?

Answer. It was stated that there were some fifteen men.

Question. Were they disguised?

Answer. Yes, sir; they were disguised, came to his house, and shot him in his bed.

Question. Was any one present at the time?

Answer. None but the colored man and his wife and children.

Question. Was that in the night or in the day-time?

Answer. In the night-time.

Question. Was it the night after the fight?

Answer. Yes, sir.

Question. Did you hear who was the aggressor in the fight that took place in the day-time?

Answer. I did not.

Question. Did you hear of a case occurring near Chattooga lately, where a colored justice of the peace of the name of Flowers was outraged and beaten?

Answer. No, sir.

Question. You said something as to the treatment of negroes by white democrats. How do the whites treat the negroes as a general thing? You said they treated them as they formerly treated them when they were slaves.

Answer. I do not mean by that, of course, that they pretend to exercise the rights of ownership or control; they expect obedience and submission generally.

Question. They do not, in other words, treat them, when they meet them on the street and have them in their employ, as ordinary white men?

Answer. No, sir; there is a decided difference.

Question. State the points of difference as near as you can.

Answer. Well, when we have colored servants we do not bring them to the table where the white people eat; and when they come in the house we expect them to pull off their hats; then if there is any dispute about a settlement, or anything of that sort, it is not expected that a colored man will contend, in a white man's face, for anything as a white man would. Any language that we would regard as not offensive at all from a white man would be impudence from a negro.

Question. Do you mean to say that if a negro man asserts his rights as a human being upon an equality with a white man they will not be recognized?

Answer. They will pay him his just wages, and treat him right as to that; but if there is any misunderstanding about it they will not suffer any dispute with him.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do they require from him that same kind of cringing submission in his conduct toward them that they required in the days of slavery?

Answer. Yes, sir; just about the same.

By Mr. COBURN:

Question. Do they justify the taking out of a negro, who has been guilty of some offense, and punishing him outside of the law?

Answer. Yes, sir; I have heard frequent remarks that would go to show that they would justify the whipping of a negro.

Question. Are, or are not, negroes often punished outside of the law for petty offenses?

Answer. That is the report that is made in a great many of these cases where they are whipped, that they whipped them for the commission of some crime.

Question. Is that given as an excuse?

Answer. Yes, sir.

Question. Do they make this allegation openly and freely?

Answer. Yes, sir; they talk it publicly.

Question. They do not consider that it is an infamous outrage to make such a justification?

Answer. No, sir.

Question. You said something about pardons being granted by the governor, and that that fact was made an excuse for crimes; who makes that excuse?

Answer. Well, the parties who commit the crimes, and their friends.

Question. Do outside parties, who do not commit crimes, allege that that is a cause for the commission of crimes?

Answer. Yes, sir; I have heard various persons say that they thought the liberal manner in which Governor Bullock had exercised the pardoning power had had a bad effect on society.

Question. Do you know any instance in which a criminal who has been pardoned has come back to the community in which he lived and committed a crime?

Answer. No, sir.

Question. When these democrats talk about its being necessary to control the negroes, in what respect do they want to control them; what do they mean by that expression? We have had that in the testimony of a dozen witnesses, and I want to know what it means.

Answer. I think it means in every respect, politically and socially, and every other way.

Question. Do they assume it as a matter of their business and their right to control them as to labor, and as to their behavior, and all these things?

Answer. No, sir; that is, if I understand you. They do not pretend to want to tell a man where he shall work, or when he shall work, or for whom he shall work. But they do intend to control his status in society and in the country.

Question. How about schools and jurors; how about the education of the colored man, and his serving on juries?

Answer. The colored men do not serve on juries in Georgia.

Question. They do not?

Answer. No, sir.

Question. Is there any law forbidding it?

Answer. The constitution says juries shall be made of upright and intelligent men, and that the ordinaries and clerks shall revise the jury list each year, and put such names in the jury-box as they think come under the provisions of the constitution. The county officers, being composed of democrats, have never put any colored names in the jury-box. There has been no colored man on the jury in Georgia, that I know of.

Question. How about schools; have you free schools there?

Answer. We are just getting free schools inaugurated, or are going to do so. The colored people are equal with the white people in that respect; and we have free schools.

Question. Do you practice law outside of your duties as prosecuting attorney?

Answer. Yes, sir, on the civil side of the court.

Question. In the matter of the reward, was it your duty to appear for the State?

Answer. No, sir.

Question. Who did appear for the State; who did act for the State?

Answer. The governor and the secretary of the executive department.

Question. Has the State a law officer?

Answer. Yes, sir.

Question. What is his name?

Answer. The attorney general of the State.

Question. Would he not act for the State in the matter?

Answer. Yes, sir; he was there.

Question. He was there and did act?

Answer. Yes, sir; he was consulted.

Question. What was the amount of this reward?

Answer. The amount of the reward was $7,000.

By the CHAIRMAN, (Mr. POLAND:)

Question. The governor published a proclamation offering a reward of $5,000 for any one man who should be discovered and convicted of participation in the outrage?

Answer. Yes, sir.

Question. And $1,000 additional for each additional person, describing the outrage in the proclamation offering the reward?

Answer. Yes, sir.

By Mr. COBURN:

Question. When was this reward paid?

Answer. It was paid last March.

Question. Where?

Answer. In Atlanta.

Question. Who paid it?

Answer. The treasurer of the State, Mr. Angier.

Question. In answer to a question as to whether men who are disqualified by reason of the fourteenth amendment make any public or political speeches, you said that those men were instrumental in some degree in organizing and continuing the life of this Ku-Klux association. And you were asked if those men were not discouraged from speaking because of their disabilities. Are not such men as Toombs, Stephens, and Jeff Davis, and that class of men, encouraged to speak in public, and are not their opinions highly respected by the democrats of Georgia and of the South?

Answer. Certainly they are. As I remarked before, those men who are disfranchised have controlled the country for a number of years, and can do it yet any day.

Question. Are not the great leaders of the rebellion, the generals of the army, the members of the rebel congress, and other men, still men of influence and power, and encouraged to speak and act publicly?

Answer. Yes, sir, and they have more influence there than anybody else.

By the CHAIRMAN, (Mr. POLAND:)

Question. Have you discovered any disposition on the part of men who were disfranchised to keep silent on political subjects?

Answer. No, sir.

Question. Do they not talk as freely and openly and as much as anybody?

Answer. Certainly they do talk as freely, and when called upon they speak.

Question. Does anybody in your country question their right to talk on political subjects as much as they choose?

Answer. No, sir; none at all. The only objection that is ever raised is, some politicians will say that they ought not to make themselves public, that they are not eligible to office, that they ought to stand back and give them the track; that is all you hear about it.

Question. Those are men of their own party who say that?

Answer. Certainly.

Question. That is a quarrel among men who desire to be candidates for office?

Answer. Yes, sir.

Question. Now, about Judge Wright: is he a man who keeps silent at all on political subjects?

Answer. No, sir; he is a man who talks a great deal.

Question. Is he not a very free, liberal, and outspoken man on political subjects?

Answer. Very much so.

Question. Does he make any attempt to conceal his hostility to the Government?

Answer. None whatever. I have no doubt he will state here to you just what I have said, that he does not pretend to conceal anything.

Question. In relation to these rewards: Governor Bullock has issued a great many proclamations offering rewards for the discovery of parties who have been connected with these various outrages?

Answer. Yes, sir.

Question. Not only in your circuit, but all about the State?

Answer. Yes, sir.

Question. Has he found occasion to pay any other reward within your circuit, that you know of, except the one that you had paid?

Answer. No, sir; no other. There has been no other reward paid in the State, I do not suppose, for the capture of persons committing crimes in disguise, none that I have ever heard of, and I think I would have heard of it if there had been.

Question. You do not know but this reward is the only one that has ever been paid?

Answer. That is the only one I know of.

By Mr. POOL:

Question. Have no others been captured?

Answer. No others, I think.

By the CHAIRMAN, (Mr. POLAND:)

Question. You say that in your judgment this offering inducements for the discovery of persons committing offenses of this sort has had a beneficial tendency in restraining them?

Answer. Yes, sir; I think so.

Question. And the only sum of money, so far as you know, that has gone out of the treasury for that purpose is $7,000?

Answer. Yes, sir.

Question. After these persons had been tried and convicted, and this man had worked up the evidence against them and procured them to be prosecuted and punished, after he had thus become entitled to the reward, as he claimed, you were employed by him to aid in procuring it to be paid him?

Answer. Yes, sir.

Question. That was in no way connected with your duty as prosecuting attorney?

Answer. No, sir; not in any way whatever.

Question. It was in no manner connected with it, or in any way hostile to your duty as prosecuting attorney?

Answer. Not at all; in no way whatever. When he proposed to employ me to assist him in getting the reward, I investigated the matter thoroughly, for I was fearful it might give rise to some chat, if nothing else, that might be unpleasant. In the first place, I investigated the law, and then I consulted Judge Harvey.

Question. You did not desire to act for him in any way that would be contrary to your supposed duty to the State as prosecuting attorney?

Answer. No, sir, and would not have done it for any consideration.

Question. Could your State have been sued at all; can you maintain a suit against your State in any of your courts?

Answer. No, sir; not in that way.

Question. Can the State be sued at all?

Answer. No, not in its own courts.

Question. There is no provision of your constitution, or any law of your State, that authorizes a suit to be maintained against the State?

Answer. No, sir.

By Mr. BLAIR:

Question. I understood you to say that Judge Wright has no hesitation in expressing his hostility to the Government?

Answer. In the way I have indicated.

Question. In what way is that?

Answer. That he has no love for a government that will disfranchise him, that will take away from him his political privileges.

Question. That is hostility to the measures of the Government instead of to the Government itself.

Answer. I am no politician; I do not understand what you mean by "measures of the Government." I know that he will not hesitate to state his feelings toward the Government.

Question. I do not hesitate to state my hostility to that measure by which a portion of the people of the country are placed under disabilities. I want to know if you characterize such a feeling as that as hostility to the Government.

Answer. Certainly, that is what I mean by it; I do not mean that Judge Wright is ready to enter into a rebellion against the Government, for I do not think he would.

Question. I want to understand what you do mean by it; it is simple hostility to the measures of a party?

Answer. He is very bitterly opposed to the whole reconstruction policy of Congress.

Question. So are a great many other people.

Answer. And he would prefer anything else to that.

Question. Do you mean to say that because he is bitterly opposed to the reconstruction policy, bitterly opposed especially to that one amendment by which a portion of the people were disfranchised and disqualified from holding office, that he is hostile to the Government?

Answer. Yes, sir; I think he is.

Question. I just want to take your measure about that, to find out what you consider hostility to the Government.

Answer. Well, I believe it.

By Mr. POOL:

Question. Did you get from any of these parties who confessed to you any signs of this order?

Answer. Yes, sir; both of them gave me a sign of recognition.

Question. What was that sign?

Answer. It is this: [Closing the fingers of the right hand except the forefinger, and drawing the forefinger across the forehead toward the right temple.]

Question. Was that sign given by the right hand?

Answer. It was given by one hand and answered by the same sign with the other hand. They gave signals at night by means of a whistle.

Question. They give signals at night by whistles?

Answer. They understood each other by whistles at night.

Question. Did they give you the mode of working their way into a camp?

Answer. No, sir.

Question. Did they say when they were halted that the question would be, "Who comes here?" and the answer to that question would be, "A friend?"

Answer. No, sir; they did not tell me about that.

Question. Did they give you the grip?

Answer. Yes, sir; one of them gave me a grip. I do not know whether I can give it to any one in the same way or not.

Question. Was it by putting the forefinger upon the pulse?

Answer. Instead of taking hold of the hand in the ordinary way, they would sort of reach under the palm of the hand.

Question. So as to rest the forefingers upon the pulse of the party with whom they were shaking hands?

Answer. They would just about make the palms of their hands come together even instead of taking hold in the ordinary way.

Question. Did they give you any pass-word?

Answer. They did not.

Question. Did they give you any sign by which persons standing in a crowd would recognize each other by a signal given by the thumb?

Answer. No, sir; only the sign I have given, across the forehead.

Question. Was there any sign connected with the lappel of the coat?

Answer. No, sir.

Question. Does an outrage upon one or two colored men intimidate others?

Answer. O, yes, sir; the most of the colored people with us are very easily frightened; take one out in a neighborhood and whip him, and it will frighten all in the neighborhood.

Question. In order to intimidate the colored people it is not necessary to whip any great body of them?

Answer. No, sir.

Question. You were asked if any crime of rape had been committed in your neighborhood; have you heard of any such?

Question. The witnesses, jurors, and the court, all act together in maintaining the law?

Answer. Yes, sir.

Question. These robberies were committed in January or February last?

Answer. Yes, sir.

Question. The man that was killed in your district of the name of Green Foster was the other case you spoke of?

Answer. Jourdan Ware was killed; Green Foster brought me the information.

Question. Did that negro have more than one name?

Answer. Yes, sir. I have seen his name published as Green Foster, but it was the same man. Some people give him the name of his former master, but the name that he registered by and was known by was Jourdan Ware.

Question. When Jourdan Ware and Green Foster are spoken of, is it the same man?

Answer. Yes, sir.

Question. Nobody was punished for his killing?

Answer. No, sir.

Question. The men you had information about from Foster have escaped from the State?

Answer. One or two have gone, but the others we still have suspicion against; but we cannot identify them.

Question. The killing of Jourdan Ware was by men in disguise?

Answer. Yes, sir.

Question. Was it stated at the time that he agreed to go with the men who professed to be Union soldiers, and to aid them in killing men they believed to be Ku-Klux?

Answer. Yes, sir, that was the way it was represented to me.

Question. And while going with them, as he believed, for the purpose of killing men called Ku-Klux, those men killed him?

Answer. Yes, sir.

Question. That is the extent of the case, as you understand it?

Answer. Yes, sir.

Question. They got him to agree to do that thing under pretense that they were Union soldiers, instead of being Ku-Klux themselves?

Answer. Yes, sir, that was the way the crime was committed.

Question. That occurred when?

Answer. That was about January or February, close to the same time that the other acts were committed.

Question. What other killing, by disguised men, in your circuit, came to your knowledge?

Answer. The case in Haralson County, only six weeks ago, perhaps two months. I have not been in that county since; we have had no court there; therefore I am not acquainted with the facts. But a man came up and let me know that there had been a colored man killed there by a party of men in disguise.

Question. You do not know whether any persons have been arrested for that?

Answer. There had not been at that time.

Question. You know none of the circumstances of the killing?

Answer. I do not.

Question. That is the only other case of killing in your circuit?

Answer. There were none others in my circuit. A colored man was killed in a county adjoining my circuit by a party of men in disguise; but I am not acquainted with the facts in the case, for it was not my business to look it up.

Question. This Jourdan Ware case, and the case in Haralson County, are the only two cases recently of killing in your circuit by men in disguise, that you know of at present?

Answer. Yes, sir.

Question. In regard to the other cases of which you have heard, you are not advised whether the perpetrators of the acts were white men or black men, or whether they were democrats or republicans; they are wholly unknown to you?

Answer. Wholly unknown to me.

Question. And the causes also unknown?

Answer. Certainly, I do not know anything about the causes.

Question. While nothing has been done by the negroes as a race, you say quite grievous offenses have been committed by individual members of that race?

Answer. Yes, sir.

Question. Is it not true that you have a very large negro population in your district who have been wholly unmolested?

Answer. O, yes, sir.

Question. And the injuries done to the individuals have been exceptional when compared with the whole race, just as the crimes committed by negroes have been exceptional when compared with the whole race?

Answer. Of course the depredations have been but few compared with the number of the race in the circuit.

Question. And the offenses have been few by the race as compared with the number of the race?

Answer. Yes, sir.

Question. The pretense, or whatever you call it, of the men who have been doing acts against the negroes has been that the individual negroes have been guilty of offenses; that is what they pretend?

Answer. It has been so represented in some cases.

Question. In the case of Jourdan Ware, or Green Foster, the excuse for killing him, I understand, was that he was, as he believed, on his way with men he supposed to be his friends, he himself to go and kill others illegally?

Answer. That he was with Union soldiers to organize in opposition to the Ku-Klux.

Question. Did it not go further than that; that at the same time he was killed he thought he was going with them to kill other men?

Answer. I think that was so; I think they had started out on a raid that night.

Question. They had started out on a raid for that very purpose?

Answer. Yes, sir.

Question. And he believed he was going with his friends on a raid to commit outrages himself?

Answer. Yes, sir.

Question. And he was killed under these circumstances, as you are advised?

Answer. Yes, sir.

Question. Have there not been a great many crimes committed on white persons within the last few years such as robbery, larceny, and other quite heinous offenses, the perpetrators of which have never been discovered and brought to justice in your circuit?

Answer. O, yes, sir; a great many have escaped.

Question. Whether the perpetrators of those offenses were white or black, you do not know?

Answer. We generally know whether they were white or black; but, of course, I cannot tell whether there have been more colored persons escaped, or more white persons escaped. I suppose it has been about in proportion to the numbers of the two races.

Question. And how far those persons who were believed to have been guilty of those offenses, against whom you could not obtain proof, have been the victims of outrages you have no information?

Answer. I cannot say; I do not know of any.

Question. Not knowing the parties, you cannot tell?

Answer. No, sir.

Question. Were there any accusations made that they had been guilty of offenses, and that there was no proof against them; has it been said that that was at the bottom of these outrages upon them?

Answer. I do not think it has, not that I know of.

Question. Has, or not, the governor, within the last year or so, been extremely liberal in his pardons of his political friends?

Answer. He has been extremely liberal in his pardons generally.

Question. Has, or not, that fact diminished the sense of security of your people very greatly?

Answer. Well, sir, I do not know that it has; that is an excuse.

Question. I mean they make that as an excuse?

Answer. Yes; they make that as an excuse in some cases.

Question. Have, or not, a number of persons who have been convicted, after a fair trial, been pardoned and turned loose again in your community?

Answer. None in my circuit; I have heard of some in other circuits. Governor Bullock has pardoned several men in my circuit before conviction, which he has the power to do under our constitution. I have opposed Governor Bullock in that policy of his, and I think it has had a bad effect.

Question. When was your last election held there?

Answer. For the last legislature?

Question. Yes.

Answer. It was held last January.

Question. You spoke of lawyers at your bar, and prominent men, many of them palliating and excusing these outrages. Upon what basis did they do that, those who did it?

Answer. Well, sir, upon the ground, as I stated before, that it was necessary to control the negroes.

Question. Control them, how?

Answer. Well, generally; to keep them in subjection to the white race. They argued in this way, that it is dangerous to allow them to have arms, and to keep arms in their hands; and they did not pretend to recognize the right of the negro to suffrage; they do not believe they ought to have that privilege; they justify it upon that idea.

Question. Justify the right to go and kill them upon that idea?

ting up a negro school-house close to a white school, and that the only thing the people had to regret was, that the Ku-Klux tore down the house and whipped an old negro instead of whipping the Honorable Wesley Shropshire. That was about the wording of the article in the paper.

Question. Had he held any public position?

Answer. Yes, sir; he has been a member of the legislature from several counties in the State. He has served ten or fifteen years in the legislature.

By Mr. BECK:

Question. How lately has he been in public office?

Answer. He was in the convention of 1868, I think. That was the last office he has held.

By Mr. POOL:

Question. Is he a man of age?

Answer. Yes, sir; about seventy years old.

Question. His services in the legislature run back for the last twenty or thirty years?

Answer. Yes, sir.

Question. Has he ever been a member of Congress?

Answer. No, sir.

Question. Is he a lawyer?

Answer. I believe he practiced law for a while, but he has not practiced for a great many years.

Question. They regretted that the Ku-Klux did not whip him instead of the old colored man, when they tore down the school-house?

Answer. Yes, sir.

Question. How near to the white school-house was this colored school-house being erected?

Answer. Mr. Shropshire told me it was a mile off.

Question. They considered that too near?

Answer. Yes, sir; they said so.

Question. Have you heard of school-houses, churches, and dwelling-houses of colored people being burned in your circuit?

Answer. No, sir; I have not heard of any.

Question. Was this gentleman erecting a school-house upon his own land?

Answer. Yes, sir; he owns a very large plantation. The other school-house was on his land also. He gave that land to the whites for a school-house, and then he gave the colored people a little plat of ground on the other side of his plantation for their school-house.

Question. Did that article advise any trespass upon the property of Mr. Shropshire?

Answer. The whole tone of the article was in justification of tearing down the school-house, and said about what I have told you.

Question. Is that a leading democratic paper in your county?

Answer. Yes, sir; that is the oldest paper, and it might be regarded as the leading democratic paper in my town.

By the CHAIRMAN, (Mr. POLAND:)

Question. Did the grand jury in Floyd County make any general presentment to the court in relation to outrages of this character by disguised men?

Answer. Yes, sir; the grand jury of the last court there made some general presentment, calling upon the citizens of the county to aid the civil authorities in suppressing the commission of crime by parties of disguised men.

Question. It was a kind of recommendation that they made?

Answer. Yes, sir.

Question. Aside from any presentment against particular individuals?

Answer. Yes, sir; a general recommendation when the court adjourned.

Question. They set forth the existence of this class of outrages by disguised men?

Answer. Yes, sir.

Question. And it was a sort of general recommendation to everybody to aid in putting them down?

Answer. Yes, sir.

By Mr. BECK:

Question. How many of the grand jury were democrats?

Answer. I cannot tell you now, but I know a majority of them were democrats.

By the CHAIRMAN, (Mr. POLAND:)

Question. In consequence of the zeal you have manifested in trying to ferret out transactions of this sort and bring the perpetrators to punishment, have any threats been made against you?

Answer. I have heard that some have been made. My friends have repeatedly come to me and told me that there were threats made against me.

estion. No threats have been made against you in your presence?

Answer. No, sir, except that a written notice was brought to me by the deputy sheriff a week or two before I left home. We were making an effort to arrest some parties who were skulking about, and a written notice was left near his gate.

Question. Near the gate of the sheriff?

Answer. Yes, sir. It was directed, "To whom it may concern;" and then made a proposition rather, that they were willing to come in and surrender the guns and pistols they had taken from the colored people, but they would not themselves submit to the authorities Then it wound up by stating that all persons who were engaged in trying to make arrests had better take care of themselves. Then it finished by saying, "Live long, die soon," and a parcel of hieroglyphics that I did not understand; and it was signed, "Captain of Ku-Klux." That is all the evidence I have of any threat to myself; I do not know that that was particularly intended for me more than for others.

Question. You have been told by some of your friends that threats have been made against you personally?

Answer. Yes, sir.

Question. Have you felt any apprehension of danger in consequence of what you have heard?

Answer. No, sir, I have not; I have expected that perhaps they would visit my house some time, but I cannot say that I have had fear of personal violence from them; I, of course, felt unpleasant about it.

Question. You had some expectations that you might see them some time?

Answer. Yes, sir; but I have a great number of personal friends in that country. I was raised right there; I had a company of men in the rebel army, and they are all my personal friends; and I have a great many other personal friends. I have a foothold that I think they would be afraid to attack.

Question. You think you would be in a state of readiness for them?

Answer. Yes, sir.

WASHINGTON, D. C., *July* 10, 1871.

P. M. SHEIBLEY sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you reside?

Answer. At Rome, Georgia.

Question. Do you hold any official position there?

Answer. I am postmaster there, and have been for two and a half years. I was first appointed in May, 1868, and then again in December.

Question. How long have you resided in the State of Georgia?

Answer. I have resided there twenty years, and probably a few months more.

Question. Did you reside in any other southern State before going to Georgia?

Answer. I resided in Virginia three years. Pennsylvania is my native State, and I left there in the spring of 1848, and I have remained South ever since then.

Question. What was your business in the South prior to the war?

Answer. I was professor of Latin, Greek, and mathematics; I taught up to 1860, until the war commenced.

Question. In what institutions?

Answer. I taught in the Madison Collegiate Institute in Virginia, and in the Rome Collegiate Institute in Georgia. In the latter institute there were three other gentlemen teaching in connection with myself.

Question. You have been for many years in the city of Rome, Georgia?

Answer. Yes, sir; about eighteen and one-third years in the city of Rome.

Question. Did your employment of teaching end with the beginning of the war?

Answer. Yes, sir.

Question. In what were you engaged during the war?

Answer. I commenced planting immediately after the school was injured, on account of my being a Union man.

Question. You were a Union man before the war?

Answer. Yes, sir.

Question. And during the war?

Answer. Yes, sir.

Question. And since the war?

Answer. Yes, sir.

Question. Are you engaged in any other business now, except that of postmaster of your city?

Answer. No, sir; no further than as a general insurance agent, or a real estate agent, to look after business of that kind.

Question. Have you held any other official position in the State of Georgia except the office of postmaster which you now hold?

Answer. I have twice been a secretary of a State convention, and secretary of the Georgia State constitutional convention.

Question. The convention which framed the present constitution of Georgia?

Answer. Yes, sir; in 1867 and 1868.

Question. The subject this committee was charged by Congress to inquire into is in relation to the condition of the communities in the late insurrectionary States, and especially in relation to their present condition as to peace and order; as to the commission of offenses against person and property, and especially as to the commission of such offenses by any organized band or bands of men in disguise; and whether offenses committed against person or property, and particularly those committed by these bands of disguised men, if there are any such, are properly prosecuted and punished, or if not, what are the obstacles that prevent their being duly prosecuted and punished. Will you now state your views in relation to that general subject?

Answer. I can but answer your question by speaking comparatively. Before the war, politically we had our rights and privileges under the Government; we voted as we pleased without harm or hinderance, other than the differences between parties. The Breckenridge party were extreme ultra men; the Union party could vote either for Douglas, or for Bell and Everett. My position was in favor of Bell and Everett. After the separation, or rather after the election of Abraham Lincoln, there was a determination on the part of southern people to still further oppose Union men; that is, to feel unkindly toward them, to keep them out of place, position, and advancement in society—out of progress in any and every way. At present, disturbances are still greater and violence occurs. This violence is done by disguised men, and generally toward the colored people, threatening them that they shall not vote; shall not interfere in elections; that they must not vote the radical ticket. In several instances where I have known outrages to be committed, the parties have come to me; I did not myself see the outrages committed, because I was not with the band. But two different negroes have come to me and asked what they should do—what could be done for them. One of these negroes was named Jourdan Ware, and lived about two and a half miles from Rome. He was taken out of his house, and beaten and abused; he came to my office with his head mangled. The other is named Joe Kennedy, who lives about a mile and a half from Rome; he was shot in the leg, I believe. In both these cases the negroes told me they had done nothing; and that the threat made to them was that they should not interfere with the elections.

Question. We will first take up the case of Ware, and ascertain the particulars of that. You said he lived about two and a half miles from Rome?

Answer. Yes, sir.

Question. How long had you known him?

Answer. Ever since he registered. The registration took place in 1867, I believe.

Question. You have known him since that time?

Answer. Yes, sir.

Question. What is his reputation and character?

Answer. So far as I know, his reputation was good.

Question. Did you ever hear him charged with any offense or violation of law?

Answer. No, sir; I never did.

Question. About how old a man is he?

Answer. I should think he was between forty-five and fifty years of age. It is difficult to tell the age of a negro.

Question. He was not a young man?

Answer. No, sir.

Question. Was he to any extent a leading man, a prominent man among the colored people?

Answer. Rather so. The Ware family is one of some prominence; old Mr. Ware, the old man of all, had owned a great many slaves.

Question. Was not this colored man also called Foster?

Answer. No, sir; the Foster case was a different case. Old Mr. Ware owned a great many slaves; the family was a large one, and this colored man took the name of his former owner, who was well known throughout that whole community, and had a great deal of influence.

Question. At what time did this colored man Ware come to you?

Answer. It was in January last.

Question. He had been assaulted and beaten?

Answer. Yes, sir.

Question. What did he tell you in reference to the particulars of that transaction?

Answer. I have stated that it was on account of his politics.

Question. Was this assault committed upon him by a band of disguised men?

Answer. Yes, sir; by disguised men.

Question. Did he say that they told him it was on account of his politics?

Answer. Yes, sir; and then an additional reason, which he mentioned, was to get possession of his place; that is, "to break him up," as the common phrase is. He was

fixed very comfortably there. He had rented a place from a lady living in town, and was cultivating about thirty acres of land, and was taking care of the place for her at a specified rate.

Question. Was it because somebody else wanted to get possession of that property, or did they merely want to break him up and drive him off?

Answer. This band wanted to break him up. In connection with telling him that he was a radical, and should not vote the radical ticket any more, they told him that he must go away from there.

Question. What became of this man Ware?

Answer. I have not seen him more than once or twice since, and I do not know what has become of him. He has left the place, however, and is not in possession of it. I advised him to move to Rome to save himself; to make no disturbance, but to go to the lady who owned the place and give it up.

Question. How badly was he injured?

Answer. Well, he was bleeding pretty badly; I did not examined his wounds. He had been beaten over the head, which injury might have resulted in his death; but I know he did not die from it then. The attempt seemed to have been to bruise or break in his skull; he was struck on the side of the head.

Question. Did he say anything in relation to this band of disguised men, who came there and attacked him, pretending to be a band of Union soldiers?

Answer. No, sir, O, no; there were no Union soldiers there.

Question. They did not pretend to be Union soldiers?

Answer. No, sir; they made no pretense of that kind.

Question. Did you ever hear from anybody that there was any allegation against this man Ware, that he had committed any offense against anybody?

Answer. No, sir.

Question. There was no charge or allegation of crime against him, to your knowledge?

Answer. No, sir.

Question. Who was the other colored man?

Answer. Joe Kennedy.

Question. How far did he live from you?

Answer. He lived a mile and a half from town.

Question. What was done to him?

Answer. He was shot through the leg.

Question. State the particulars of that transaction, as he gave them to you.

Answer. He came to me and made complaint. I said, "Joe, what in the world is to pay? What is the matter with you? What have you done?" He said, "I have not done anything." I said, "Have you not done anything to bring this party upon you?" "No," he said; "you see me here every few days; I come to see you. I come to your house, and you know I am quiet and don't harm anybody." "I know that," I said; "but what excuse did they make?" His reply was, "They said to me, 'You damned niggers are getting too big anyway, and it is time you should seek some other business or get out of the country.'" That was the sum and substance of it. His object in coming to me was to get advice as to what he should do about it. I told him that he had better keep quiet and come to town; and I would look into the matter and see if any help could be given him.

Question. How long had you known him?

Answer. About two years; he had been working in the city.

Question. Did you ever hear any accusation of any kind against him?

Answer. None whatever.

Question. Was he a man of any prominence among men of his color?

Answer. No, sir; not more than ordinary prominence.

Question. Those two cases were both last winter?

Answer. Yes, sir; and both about the same time.

Question. How early had you begun to hear of any of these bands of disguised men being about in your part of the State?

Answer. In 1868; I learned it more particularly then from a proclamation issued by General Meade, when he was military commander there. In order to be certain about times and dates I might perhaps be able to get a copy of the proclamation and send it to you.

Question. He made proclamation in regard to them?

Answer. Yes, sir; it was in view of stopping everything of the kind, in order that all persons might have a free right to vote. I think it was before the election in April, 1868, just before the vote on our constitution.

Question. Was there any interference by armed bands in the elections in your part of the State?

Answer. Not at that election.

Question. How soon did these bodies of armed men begin to visit people and to commit outrages?

Answer. Last year some time, in 1870; in our county and in adjoining counties.

Question. What had been their mode of operations, and the extent of them, prior to that time?

Answer. I do not know; I suppose the general intention was to create alarm and to prevent parties from voting.

Question. Before that time, had they been in the habit of going about in the night-time in this disguised manner and visiting colored people?

Answer. No, sir, not that I know of; not before that time.

Question. You say that last year they began to commit acts of violence?

Answer. Yes, sir.

Question. How many have you heard of in your vicinity? And give the particulars of them, so far as you can state them.

Answer. It is notorious that at one time they came into the city of Rome, twenty-one of them, one night, just after these two outrages had been committed; and I am of the impression that it was the same night of the commission of these acts against Kennedy and Ware.

Question. Those acts were both done the same night?

Answer. Yes, sir; by disguised men.

Question. And a body of disguised men that same night came into the city?

Answer. Yes, sir.

Question. I think you said there were twenty-one of them?

Answer. Yes, sir.

Question. Did they do anything in the city except to ride about and parade?

Answer. No, sir; that is about all. As persons would approach them, they would draw their pistols and keep them off, as if the object was not to have themselves known. I speak of that as a notorious fact, that we know from general rumor; it was about 11 or 12 o'clock at night.

Question. It is said that three have been convicted of these offenses in your part of the State?

Answer. Yes, sir; they were taken in Chattooga County, an adjoining county.

Question. That was not in your county?

Answer. No, sir.

Question. You have heard of that case?

Answer. Yes, sir.

Question. Have you information about their committing acts of violence upon any other people in your county except the two you have mentioned?

Answer. I have heard of others, but those two came directly to my notice.

Question. Have there been any cases in your county where any person has been killed by them, that you know of or have heard of?

Answer. I cannot bring to my mind now any particular one, or any circumstances about one, but there have been reports to that effect; I cannot recollect them.

Question. Have there been several cases where they have visited colored people and whipped them, beat them?

Answer. Yes, sir; that has frequently occurred in the county of Floyd.

Question. Has that same state of things, as you learned by newspapers and from other sources, prevailed in other counties in your section of the State, and indeed throughout the State?

Answer. Yes, sir; in Chattooga County particularly, which is the adjoining county; also in Polk, which is an adjoining county; and in Cherokee County, Alabama.

Question. How far are you from the Alabama line?

Answer. About twenty miles.

Question. Your county adjoins the Alabama line?

Answer. Yes, sir.

Question. What has been the effect upon the colored people of the conduct of these bands of men?

Answer. It has disorganized them very much in their labor, in their political privileges, and in their social relations one with the other; and general fear and intimidation prevail.

Question. A feeling of alarm?

Answer. Yes, sir; so as to prevent them from prospering or doing proper service for those who employ them.

Question. Do you know whether, in consequence of these acts, many of them have gone into town, where they would be less liable to danger?

Answer. Yes, sir; that has been done in some cases.

Question. You say you advised those two men who came to you to do so?

Answer. Yes, sir, Kennedy and Ware; Ware wanted to resent it by force, as a free man; he said he was free and did not like to be beaten in that way; but I advised him that he had better be quiet.

Question. Did they both remove into town?

Answer. Yes, sir; both came into town.

Question. What has been the effect upon the colored people, so far as relates to exer

cising the political and civil rights that have been conferred upon them; do they now feel free to exercise their legal rights and privileges?

Answer. Not so much so as they did when they voted there the first time for the constitution of the State of Georgia; that was the first vote, I believe, they gave in the State.

Question. Do you believe a great many of them would be afraid to vote now?

Answer. I really believe so.

Question. From all you have seen and heard in relation to the character, the objects, the transactions of these disguised men, what do you believe is the purpose of that organization?

Answer. Well, sir, my belief only you want?

Question. Yes.

Answer. I do not know what the object is, because I do not belong to them, and never have.

Question. I want your judgment, from all the information you have about them.

Answer. My opinion is this, that the object is to interfere with the reconstruction measures, with the rights of the colored people to vote, with their political rights generally. If they cannot force them to vote as they themselves want them to vote, they will endeavor to take the ballot away from them.

Question. What is the sentiment of the white people in that part of Georgia where you live; I do not mean among the white republicans? The great mass of the white people in your part of Georgia, I suppose, belong to the democratic party?

Answer. Yes, sir; largely so.

Question. Now, what is the sentiment and feeling of those white men who are not republicans in relation to conferring the right of suffrage and all civil rights upon the colored people?

Answer. Well, I believe that a majority of the white voters of the county of Floyd, outside of the republicans, would take the ballot from them, and also all civil and political rights.

Question. They were opposed to giving them?

Answer. Yes, sir.

Question. And do you believe that they do not intend that colored men shall have a full and free exercise of the rights that have been conferred upon them?

Answer. Not unless they can themselves control them.

Question. They do not intend that they shall vote unless they vote as they want them to vote?

Answer. They do not.

Question. And do you believe that the object of this organization is to produce that result?

Answer. Yes, sir; I judge so from its operations.

Question. And you think it is producing that result?

Answer. Yes, sir.

Question. I want to inquire a little in relation to the state of feeling between the whites and the blacks, whether on the part of the whites they require from the blacks submission of manner that they do not require from white people?

Answer. Those who employ them?

Question. Well, in all the intercourse between the whites and blacks there; will the whites allow a black man to use language toward them that they would allow a white man to use without taking offense?

Answer. No, sir; they will not.

Question. Suppose that a white man and a colored man have some controversy about a matter of dealing between them, a disagreement about it, will the white man allow the black man to stand up and assert his side of a controversy, and his views, and his claims, in the same manner that he would allow a white man to do so?

Answer. No, sir; not as a general thing.

Question. And if he does it, if he does stand up and assert his right against a white man as another white man would do, and would be permitted to do, that is what is called impudence, is it?

Answer. Yes, sir; that is impudence.

Question. That is being impudent and saucy?

Answer. Yes, sir. It is natural for those persons who have been raised there in the South, and who have owned slaves—it is rather natural for them to domineer over the colored people.

Question. I am not criticising the manner; I am merely inquiring what the fact is.

Answer. They require a yielding obedience from them.

Question. Suppose that a colored man is guilty of impudence, as they term it—that is, he stands up in the assertion of his rights, and talks as a white man would—is it considered at all out of character to beat him for it and chastise him?

Answer. Well, sir, he would meet with the indignation of the white people for acting so; but I do not think that in all cases they would chastise him, not as in former times they chastised their slaves.

Question. I do not mean everybody.

Answer. That would be the feeling.

Question. It is considered an offense worthy of chastisement; is not that the general feeling?

Answer. It produces that feeling.

Question. We have heard considerable from various witnesses from different parts of the South as to the reasons that are alleged for these organizations. Now, what is the excuse that is generally given by those people who do excuse and apologize for the existence of this Ku-Klux organization; what are the reasons that are generally given by way of apology for it?

Answer. I do not know that they make much apology for what they do at all; but I think the main purpose is to control the political affairs of the country.

Question. What do those people say who speak with any degree of approbation of this organization and its operations; what do they say about it?

Answer. Well, sir, I think that the whole matter grows out of the right of suffrage, and the rights that the reconstruction measures of Congress give to the negroes; I think that is about the main thing; I think that in the South they do not want the negroes to have any privileges at all.

Question. Did you ever hear them allege this: that it is necessary to have this organization to keep the negroes in order, and to keep them from violating the law?

Answer. They may give that as an excuse.

Question. Have you heard that excuse given?

Answer. No, sir; I have never heard it given.

Question. Suppose that excuse was given, is there any just occasion for it; have the colored people in your part of the State shown any disposition to violate the rights of white people, or to arrogate to themselves any more rights than the law now gives them?

Answer. None that I know of.

Question. Have they, as a general thing, been peaceable, quiet, and orderly?

Answer. Yes, sir. They would be more so there, perhaps, than in other places, for they are but one-third of the population, and their resistance to law and order in any shape or manner would not redound to their benefit, even if it was in their nature to do so.

Question. There would be no wisdom in it, at any rate?

Answer. No, sir.

Question. Have they shown any such disposition?

Answer. No, sir; not in my section. I have been a slaveholder myself; I once owned thirty slaves, and I know the feeling of the negro very well.

Question. It has been alleged by some people that this Ku-Klux organization was got up to counteract the evil effect of the Loyal League. Have you ever had any connection with the Loyal League?

Answer. Yes, sir; I have been connected with it.

Question. How?

Answer. I was grand vice-president of the Loyal League in the State of Georgia, the second office in the League in the State.

Question. When were those organizations called Loyal Leagues first organized in your State?

Answer. I think in 1867. I have the document, but not with me; if I had it I could give you the precise date.

Question. How long did those Leagues exist in Georgia?

Answer. They existed through the first State election after the war, and partly so in the last presidential election; we were fully organized to carry our State constitution.

Question. Are those Loyal Leagues kept up, or have they been, since the presidential election in 1868?

Answer. No, sir, not in our State.

Question. While it did exist, what obligation did a man take upon himself who became a member of it?

Answer. The main feature in the League was to bring all the Union men together, to maintain the laws passed by Congress, whatever those laws might be—that is, to conform to the order of our National Government, as distinct from State institutions; it was a national organization.

Question. Were there any penalties by the rules of the order, or by any oath that was taken, or anything of the sort, that a man subjected himself to for leaving the order, or for voting the other way?

Answer. No, sir, none whatever.

Question. The object of it was to concentrate as much Union sentiment as you could in your State?

Answer. The idea, as I understood it, was to bring the people together, as it were, under the national flag, the Stars and Stripes.

Question. To concentrate the Union sentiment?

Answer. Yes, sir; that was the prevailing idea throughout. I suppose nine-tenths of them voted with the republican party, but the prevailing feature of the organization, as I now recollect it—I have not thought of it for two or three years—was to bring our people back under the flag from which they had estranged themselves.

Question. And the prevailing sentiment among the colored people and the white Union men of Georgia was that the way they could best show their Union sentiment after the war was by acting with the republican party?

Answer. Yes, sir; that was the feeling.

Question. Now, was it ever taught in any constitution, or ritual, or any publication of the Loyal League, or by any republican speaker, by any one who went out to organize these Leagues—was it ever inculcated that they were to violate any law, or to violate the rights of any man?

Answer. No, sir; never, and I have never heard of its being done.

Question. Were the teachings of those Leagues all the other way, in the cause of law, and order, and peace?

Answer. As the ritual showed it, and as I knew it, it was so.

Question. As it was practically expounded by the men who had the lead in the business?

Answer. The whole idea was to obey the law, all laws.

Question. Have you ever heard that the formation of this Ku-Klux organization was to check, to counteract the Union Leagues?

Answer. I heard it about two years after the Leagues had ceased to exist in our section; I heard it last year.

Question. In your part of the State the Union Leagues had all dissolved and ended before this Ku-Klux organization had begun to operate at all?

Answer. About that time.

Question. Before they did any acts of violence?

Answer. Yes, sir.

Question. All the violence committed by this organization has been since then?

Answer. Yes, sir; all the acts of violence in our State have been done last year and this year.

Question. It has been said to be the object of this Loyal League to keep the negroes from voting the democratic ticket. Are there any negroes who want to vote the democratic ticket in your part of the State?

Answer. None, that I have heard, unless they are forced to do so. They appear by intuition, some way or other, to know how to vote.

Question. Do you believe that any considerable number of them desire to vote the democratic ticket unless some personal interest or influence is brought to bear upon them?

Answer. I think not.

Question. Suppose one of them wants to vote that way, can he do so without danger?

Answer. I have never seen any one trying to prevent a negro from voting the democratic ticket, not by force; they may try to persuade him.

Question. The great mass of them, at least, vote the other way?

Answer. Yes, sir, until the last election; more of them voted the democratic ticket then.

Question. In your judgment, have they tried to do more, in order to prevent a colored man from voting the democratic ticket, than to persuade him that his interest lay in the other direction?

Answer. Would they do more than persuade, in order to get him to vote the republican ticket?

Question. Suppose that one of them, for any reason, either for interest or otherwise from honest conviction it may be, should choose to vote the democratic ticket, would the mass of the colored people attempt by violence to prevent him from doing so?

Answer. I have never seen them do so, and I have been at the polls at every election since the war.

Question. Have you heard of any such thing in your part of Georgia? It has been said that a colored man cannot vote the democratic ticket without danger of his life.

Answer. I do not know of any instance.

Question. From what you know of the colored men there, do you think a man would imperil his life if he undertook to vote the democratic ticket?

Answer. No, sir, he would not imperil his life; they would feel indignant toward him, somewhat unkind.

Question. They would not believe much in his honest conviction?

Answer. They would not believe he was acting right, is what they would term it.

Question. In relation to this organization of disguised men who have gone about doing this mischief, what has been the sentiment of the people generally, people that were not supposed to actively belong to it, or to actively participate in it—that is, to go out upon these marauding expeditions; what has been the sentiment of the people in regard to it, whether opposed to it or otherwise?

Answer. They are mainly opposed to it, but they dare not speak their sentiments, or have not, until this last bill was passed by Congress, and the President issued his proclamation under it.

Question. Have there been any considerable number of people of standing and influence who have apologized for, or palliated, or excused, this organization?

Answer. Yes, sir, a great many.

Question. What class of people were they?

Answer. They were generally the better class of people; what I mean by the better class is, those who were men of property; they are afraid to come out against it.

Question. Have there been any portion of the white people——

Answer. The depredations, however, I think, were committed by the lower class.

Question. What I want to get at is this: has there been any considerable number of the white people, those who were not the active men who went out on these expeditions, who have spoken approvingly and palliatingly of the order and its operations?

Answer. I think they generally try to excuse it.

Question. How large a portion of the white people down there besides the republicans—I understand that the white people who are republicans have always disapproved it, have spoken against it, and have been active against it?

Answer. Yes, sir.

Question. That does not seem to be denied. Now, how large a proportion of the white people who are not republicans have either done anything or said anything against it?

Answer. I have not mingled much with the people, for my business keeps me confined to my room in my office. But, so far as I can hear from my position, my public position as postmaster, I hear very few speak out openly against it.

Question. Are there a great many people who you think really do feel opposed to it, and still do not speak against it; that is, is there a feeling among many people that it is not exactly safe to talk against it?

Answer. That is the way they have acted.

Question. Do you believe that there are a great many people who, in reality, would be glad to have that state of things end, and who still fail to say or do anything against it for fear of some evil consequences to themselves?

Answer. I do believe there are a great many of that sort; I cannot but help think, though, that a majority of the people condemn it.

Question. What you mean now by saying "that a majority of the people condemn it," is it that a majority of the people really desire to have it stopped?

Answer. Yes, sir; that is, a majority of the white people, and all the negroes would like it stopped.

Question. Do you mean that a majority of the white people who are not republicans do talk openly and publicly against it?

Answer. O, no; they do not speak openly against it.

Question. There are a class of men in the South, leading men, who are disqualified by the fourteenth amendment; what ground have that class of men taken in reference to these Ku-Klux outrages, as far as you know?

Answer. Well, my impression is, that the men who are disqualified are opposed to the reconstruction measures of Congress, and hence endeavor as much as possible to interrupt the progress of the Government.

Question. What particular view, what particular action, have they taken in reference to these Ku-Klux outrages? Have they done anything to put them down, or said anything against them?

Answer. I think they have been perfectly passive.

Question. What influence has that class of men exerted on that subject, if any?

Answer. My opinion is, that Bob Toombs and that class of men encourage it; I do not know that positively, from my own knowledge; I only judge so from circumstances.

Question. Do you know any men, of all those who are now disqualified from holding office under the Constitution, who have taken any active part, or who have exercised any active influence, against this Ku-Klux organization?

Answer. No, sir, I do not.

Question. Do you think there is in your part of Georgia entire freedom for a man who entertains the views which you say are unpopular among the mass of the white people; a man who believes in equal suffrage, in negro equality, or civil rights, and all that; do you believe that he can go anywhere in Georgia and publicly and stoutly proclaim those sentiments and views?

Answer. Not as he could in the North.

Question. Well, do you believe it would be entirely safe for him to do so?

Answer. No, I do not think it would be safe at all.

Question. These outrages that have been committed by these bodies of disguised men; have they generally been punished?

Answer. No, sir, they have not.

Question. As a general rule they have not been punished?

Answer. They have not been punished.

Question. What has been the difficulty? Why have they not been punished?

Answer. It would seem that the officers do not do their duty; I do not know whether it is from fear or why; but the truth is, they are very seldom punished.

Question. You have said that this organization really grew out of opposition to the exercise of civil and political rights by the negroes; now, do you believe that that same feeling, that same public sentiment, has been one of the principal reasons why these outrages have not been punished?

Answer. I do.

Question. Because public sentiment is not sufficiently strong against them?

Answer. Yes, sir.

By Mr. BECK:

Question. You were in the city of Washington I believe, when you were summoned as a witness here?

Answer. Yes, sir.

Question. Prosecuting claims before the Southern Commission?

Answer. Yes, sir; I have a claim before the Southern Commission.

Question. The only two cases you know of personally, of offenses of the character which has been referred to here, are the cases of Jourdan Ware and Joe Kennedy, who came to you individually and told their grievances?

Answer. Those are the only two I know personally.

Question. And you have heard of only one case of killing in your county, I think, you have stated?

Answer. That is all, I believe; there may have been others.

Question. That is your recollection, as well as you can recollect?

Answer. Yes, sir; that is my recollection now

Question. What else you have stated has all been hearsay about an organization of this character and its doings elsewhere?

Answer. Yes, sir; general rumor. You asked me a question a moment ago; I desire to state here that I had no part in having myself subpœnaed here. You asked me the question if I was not here when I was summoned as a witness before this committee. The subpœna was sent to my house at Rome, Georgia, because the gentleman did not know that I was here.

Question. But in fact you were summoned here in Washington, and had been here a week or so before the summons reached you?

Answer. Yes, sir.

Question. They telegraphed to Georgia to know if you were there, found that you were not, and then summoned you here?

Answer. They telegraphed me at Rome, supposing I was home; but I was not at home, I was attending to business here.

Question. Judge Poland asked you if you had ever heard of any attempt to intimidate negroes who wanted to vote the democratic ticket, and you answered him that you did not know of any such case. You did not say whether you had ever heard of any such case or not.

Answer. I answered that the negroes felt indignant toward any of their race for voting contrary to the will and wishes of the majority, but I had known of no violence against them.

Question. That is what you answered. Now I ask you if you have not heard of threats being made against them for voting the democratic ticket, or desiring to do so; I do not ask if what you have heard be true or not; but have you not heard of such threats?

Answer. Public rumor has said that threats were made.

Question. That is what I supposed was the fact, from the way you answered, limiting it to your own knowledge. You have heard of such threats by public rumor, as you have heard of other things?

Answer. Yes, sir; in one or two cases.

Question. You spoke of the organization of your Leagues, in connection with these threats, and said that there was nothing in the constitution of your League that authorized any member of that League to use threats, nothing to justify threats, in accordance with your constitution.

Answer. No, sir; I do not know any member of the League that ever did it, and I have never heard of any member of the League that has made threats.

Question. The practical operation of it ——

Answer. Was peace, and union, and order.

Question. So far as the constitution itself has laid down rules?

Answer. Yes, sir; and so far as the operation of the League itself in that section was concerned, it was in the interest of law and order, and against violence of any kind.

Question. As to the extent to which individuals or bands of negroes interfered with ne-

Question. What had been their mode of operations, and the extent of them, prior to that time?

Answer. I do not know; I suppose the general intention was to create alarm and to prevent parties from voting.

Question. Before that time, had they been in the habit of going about in the night-time in this disguised manner and visiting colored people?

Answer. No, sir, not that I know of; not before that time.

Question. You say that last year they began to commit acts of violence?

Answer. Yes, sir.

Question. How many have you heard of in your vicinity? And give the particulars of them, so far as you can state them.

Answer. It is notorious that at one time they came into the city of Rome, twenty-one of them, one night, just after these two outrages had been committed; and I am of the impression that it was the same night of the commission of these acts against Kennedy and Ware.

Question. Those acts were both done the same night?

Answer. Yes, sir; by disguised men.

Question. And a body of disguised men that same night came into the city?

Answer. Yes, sir.

Question. I think you said there were twenty-one of them?

Answer. Yes, sir.

Question. Did they do anything in the city except to ride about and parade?

Answer. No, sir; that is about all. As persons would approach them, they would draw their pistols and keep them off, as if the object was not to have themselves known. I speak of that as a notorious fact, that we know from general rumor; it was about 11 or 12 o'clock at night.

Question. It is said that three have been convicted of these offenses in your part of the State?

Answer. Yes, sir; they were taken in Chattooga County, an adjoining county.

Question. That was not in your county?

Answer. No, sir.

Question. You have heard of that case?

Answer. Yes, sir.

Question. Have you information about their committing acts of violence upon any other people in your county except the two you have mentioned?

Answer. I have heard of others, but those two came directly to my notice.

Question. Have there been any cases in your county where any person has been killed by them, that you know of or have heard of?

Answer. I cannot bring to my mind now any particular one, or any circumstances about one, but there have been reports to that effect; I cannot recollect them.

Question. Have there been several cases where they have visited colored people and whipped them, beat them?

Answer. Yes, sir; that has frequently occurred in the county of Floyd.

Question. Has that same state of things, as you learned by newspapers and from other sources, prevailed in other counties in your section of the State, and indeed throughout the State?

Answer. Yes, sir; in Chattooga County particularly, which is the adjoining county; also in Polk, which is an adjoining county; and in Cherokee County, Alabama.

Question. How far are you from the Alabama line?

Answer. About twenty miles.

Question. Your county adjoins the Alabama line?

Answer. Yes, sir.

Question. What has been the effect upon the colored people of the conduct of these bands of men?

Answer. It has disorganized them very much in their labor, in their political privileges, and in their social relations one with the other; and general fear and intimidation prevail.

Question. A feeling of alarm?

Answer. Yes, sir; so as to prevent them from prospering or doing proper service for those who employ them.

Question. Do you know whether, in consequence of these acts, many of them have gone into town, where they would be less liable to danger?

Answer. Yes, sir; that has been done in some cases.

Question. You say you advised those two men who came to you to do so?

Answer. Yes, sir, Kennedy and Ware; Ware wanted to resent it by force, as a free man; he said he was free and did not like to be beaten in that way; but I advised him that he had better be quiet.

Question. Did they both remove into town?

Answer. Yes, sir; both came into town.

Question. What has been the effect upon the colored people, so far as relates to exer

cising the political and civil rights that have been conferred upon them; do they now feel free to exercise their legal rights and privileges?

Answer. Not so much so as they did when they voted there the first time for the constitution of the State of Georgia; that was the first vote, I believe, they gave in the State.

Question. Do you believe a great many of them would be afraid to vote now?

Answer. I really believe so.

Question. From all you have seen and heard in relation to the character, the objects, the transactions of these disguised men, what do you believe is the purpose of that organization?

Answer. Well, sir, my belief only you want?

Question. Yes.

Answer. I do not know what the object is, because I do not belong to them, and never have.

Question. I want your judgment, from all the information you have about them.

Answer. My opinion is this, that the object is to interfere with the reconstruction measures, with the rights of the colored people to vote, with their political rights generally. If they cannot force them to vote as they themselves want them to vote, they will endeavor to take the ballot away from them.

Question. What is the sentiment of the white people in that part of Georgia where you live; I do not mean among the white republicans? The great mass of the white people in your part of Georgia, I suppose, belong to the democratic party?

Answer. Yes, sir; largely so.

Question. Now, what is the sentiment and feeling of those white men who are not republicans in relation to conferring the right of suffrage and all civil rights upon the colored people?

Answer. Well, I believe that a majority of the white voters of the county of Floyd, outside of the republicans, would take the ballot from them, and also all civil and political rights.

Question. They were opposed to giving them?

Answer. Yes, sir.

Question. And do you believe that they do not intend that colored men shall have a full and free exercise of the rights that have been conferred upon them?

Answer. Not unless they can themselves control them.

Question. They do not intend that they shall vote unless they vote as they want them to vote?

Answer. They do not.

Question. And do you believe that the object of this organization is to produce that result?

Answer. Yes, sir; I judge so from its operations.

Question. And you think it is producing that result?

Answer. Yes, sir.

Question. I want to inquire a little in relation to the state of feeling between the whites and the blacks, whether on the part of the whites they require from the blacks submission of manner that they do not require from white people?

Answer. Those who employ them?

Question. Well, in all the intercourse between the whites and blacks there; will the whites allow a black man to use language toward them that they would allow a white man to use without taking offense?

Answer. No, sir; they will not.

Question. Suppose that a white man and a colored man have some controversy about a matter of dealing between them, a disagreement about it, will the white man allow the black man to stand up and assert his side of a controversy, and his views, and his claims, in the same manner that he would allow a white man to do so?

Answer. No, sir; not as a general thing.

Question. And if he does it, if he does stand up and assert his right against a white man as another white man would do, and would be permitted to do, that is what is called impudence, is it?

Answer. Yes, sir; that is impudence.

Question. That is being impudent and saucy?

Answer. Yes, sir. It is natural for those persons who have been raised there in the South, and who have owned slaves—it is rather natural for them to domineer over the colored people.

Question. I am not criticising the manner; I am merely inquiring what the fact is.

Answer. They require a yielding obedience from them.

Question. Suppose that a colored man is guilty of impudence, as they term it—that is, he stands up in the assertion of his rights, and talks as a white man would—is it considered at all out of character to beat him for it and chastise him?

Answer. Well, sir, he would meet with the indignation of the white people for acting so; but I do not think that in all cases they would chastise him, not as in former times they chastised their slaves.

Question. Do you know a case where they have been discovered?
Answer. They generally prove themselves somewhere else; they prove an *alibi*.
Question. If they prove an *alibi*, to the satisfaction of your juries, can they refuse to act upon it?
Answer. No, sir.
Question. Is it not the general fact, that the officials and jurors, wherever a case has been made out fairly, and a man is shown to be guilty, have punished him, as far as you know?
Answer. I think not.
Question. Tell us of a case where they have allowed a man to get away, when there was a fair case made out against him.
Answer. I do not attend the courts regularly; but that is my impression, my belief.
Question. You would believe Mr. Forsyth's statement upon that subject?
Answer. Yes, sir.
Question. If he were to say that the officials and jurors had convicted in all fair cases, where they had evidence against a man, would you believe it?
Answer. Yes, sir; he is right on the spot and I am not.

By Mr. POOL:

Question. How long have you resided in Georgia?
Answer. Twenty years.
Question. Where did you reside before you went there?
Answer. I was born in 1824; I am a native of Pennsylvania.
Question. Have you ever resided in Virginia?
Answer. Yes, sir; I resided in Virginia three years.
Question. Preceding your removal to Georgia?
Answer. Yes, sir, and long before the war.
Question. Have you held any public position in the State of Georgia?
Answer. I am postmaster at present.
Question. That is a United States office?
Answer. Yes, sir; I have never held any State office at all. I was a teacher of classics and mathematics up till the commencement of the war. I was not connected with the war; I kept out of the war.
Question. Were you connected with any institution of learning?
Answer. Yes, sir.
Question. Did you have any position in a college?
Answer. There were four teachers, or four professors, that had charge of Rome Male Institute previous to the war.
Question. What was the name of the institution?
Answer. The "Rome Male Collegiate Institution."
Question. Are you a professor in the college now?
Answer. No, sir.
Question. Do colored men sit upon juries in your State?
Answer. No, sir.
Question. Are their names put in the jury-box to be drawn?
Answer. I cannot say positively; I can say this, however, I believe the list of jurors is made up by the commissioners, and one of the commissioners said that they were not going to put any negroes in the jury-boxes.
Question. Have you ever known a colored man to sit upon a jury in the State of Georgia?
Answer. Not in the county where I live, nor anywhere else that I know of.
Question. Were these commissioners democrats?
Answer. Yes, sir. This man who conversed with me is a democrat, a Union democrat, that is, a conservative democrat.
Question. Are the other commissioners democrats?
Answer. I do not recollect who are the other commissioners; I suppose they are.
Question. The democrats have a majority in the county?
Answer. Yes, sir.
Question. Are the commissioners elected by the people?
Answer. No, sir; I think they are appointed by the judge of the circuit; I know they are not elected by the people.
Question. Have you heard of any barn-burning in your county?
Answer. No, sir; none that I know of or recollect.
Question. Do colored people testify in your courts?
Answer. Yes, sir.
Question. Where the case is one between white men?
Answer. Yes, sir.
Question. Have you heard of any rapes by colored men upon white persons in your county, or in the counties around?
Answer. No, sir, I have not.
Question. You say the Union League has not been in existence there for two years?

Answer. No, sir.
Question. Are the county officers generally democrats?
Answer. Yes, sir; they are all democrats.
Question. Is there any charge of corruption against them?
Answer. No, sir.
Question. Are they competent men?
Answer. They are generally competent men.
Question. There is no complaint that they put too much taxation upon the people, more than the circumstances of the county require?
Answer. No, sir.
Question. Have you ever known the colored men there to make any display of arms?
Answer. In an organization, or singly?
Question. I mean in an organization; to meet together and show arms.
Answer. No, sir.
Question. Have there been any parades of military companies of colored men?
Answer. No, sir.
Question. Has there been any unusual arming of colored men?
Answer. No, sir.
Question. Have you heard any of these things I have just been mentioning to you alleged as a cause for the existence of this organization; the burning of buildings, commission of rapes, the Union League, taxation, corruption in office, or display of arms by the colored men?
Answer. No, sir, I have not. Only in one instance have I heard it made an excuse, that it was to put down the League, but no League exists, and it has not existed for years.
Question. So that no such excuse for Ku-Klux is given in your region?
Answer. No, sir.
Question. Are the colored people quiet and orderly as a general thing there?
Answer. Yes, sir; the most of them have always lived in that county.
Question. The most of whom?
Answer. The most of the colored people, and they feel it is their home. They act quietly and try to acquire homes for themselves, if possible.
Question. Do they work diligently?
Answer. They do not work as much as when they were slaves.
Question. Have the operations of these Ku-Klux organizations interfered with their industry?
Answer. It has very materially.
Question. Interfered with their exertions to make an honest living?
Answer. Yes, sir.
Question. You say some of them have been driven into town for protection?
Answer. Yes, sir, they have.
Question. When an outrage of this sort, whipping or anything of the kind, is committed upon a colored man, does it terrify the balance in the neighborhood?
Answer. It has a tendency that way.
Question. Do you know whether colored men have laid out of their houses, in the woods, from fear?
Answer. These two have; I know rumor says it is the case with others.
Question. There is a general state of terror among them?
Answer. In the neighborhood in which the act is committed.
Question. Does that terror tend to influence them in their political action?
Answer. Yes, sir.
Question. And keep them from going to the ballot-boxes?
Answer. Yes, sir, very materially.
Question. Should a colored man announce himself a democrat, and that he was going to vote for the democratic ticket, would he be in any danger from these organizations.
Answer. None, whatever.
Question. Is it generally understood among them, that they can purchase their peace and safety in that way?
Answer. They come to that conclusion; I do not know whether it is understood among them.
Question. What is your judgment about it?
Answer. I think they would not be disturbed at all.
Question. You think they would not be disturbed, if they would do that?
Answer. No, sir, if they would vote the democratic ticket.
Question. Have you heard of white men being whipped, or otherwise outraged, by this organization in your county, or in those around you?
Answer. Only by rumor have I heard of white men being whipped.
Question. You have learned that from rumor?
Answer. Yes, sir.

Question. Have you ever heard the rumors contradicted?

Answer. I never have.

Question. Were the rumors common?

Answer. No, sir, not common.

Question. I do not mean whether it was common for such things to occur, but whether the rumor in regard to any one of these occurrences was a common rumor?

Answer. You mean a general rumor?

Question. Yes; and you have not heard that contradicted?

Answer. No, sir.

Question. Does that rumor refer to more than one case of outrage upon white persons?

Answer. I do not know whether it does or not.

Question. Was the white man, said to have been outraged, a democrat or a republican?

Answer. I cannot tell positively, but my impression is that they do not outrage those who vote as they do, and I think the organization is generally composed of those in the democratic party. I do not know of any one belonging to the republican party who belongs to that organization.

Question. Have you ever heard a rumor that a democrat was outraged by this organization?

Answer. Not for political purposes, I have not.

Question. If you have an instance in your mind, for any purpose, let us know what it is.

Answer. I am not positive as to every instance being a republican and to there being no democrats; but the general impression is that they belonged to the opposite party?

Question. Have you in your mind a single instance where it was said it was a democrat who was outraged?

Answer. No, sir; I have not a single instance in my mind.

Question. What is the general impression, among the intelligent portion of the community, from every source of information that has come to you; from your general view of the surroundings, what is your judgment, as to the extent of the organization; whether it is a State organization or simply local?

Answer. I have no means of knowing whether there is a State organization, but the presumption is that there must be such, because they commit depredations in nearly all the counties throughout the State.

Question. You have heard of outrages committed at a distance?

Answer. I have heard of them.

Question. Did you hear of the surrounding circumstances under which they were committed?

Answer. Some of them; yes, sir.

Question. Was there uniformity in the mode of operation?

Answer. Yes, sir.

Question. Were they generally disguised?

Answer. Generally in disguise; yes, sir.

Question. Was there any uniformity in the disguise?

Answer. I do not know about that; they generally wear a white dress of some kind or other.

Question. At the time the outrages were committed?

Answer. Yes, sir.

Question. Committed by men in bands?

Answer. Yes, sir.

Question. Upon the same class of citizens?

Answer. Generally upon the colored people.

Question. Is it upon that uniformity that you base the idea that there must be some concert of action between the various points?

Answer. Yes, sir.

Question. You were speaking of those who apologized for or attempted to palliate these acts, and as having characterized them as being a spree of the boys?

Answer. Yes, sir, that is what they say; the opposite party try to palliate it in that way, or say there is no such thing.

Question. You mean to belittle it, to take from its apparent importance?

Answer. Yes, sir, that is the idea I want to convey by my answer; that they represent it was a spree of the boys; that it did not amount to anything.

Question. That is, those who are in sympathy with it, or are fearful to take any decided stand against it?

Answer. Yes, sir, it comes from that quarter.

Question. Would that seem to indicate to you that there was a desire that it should not be considered a general organization in the State?

Answer. A desire on the part of those palliating it?

Question. Yes, sir.

Answer. Well, sir, it would not make that impression upon me.

Question. It would make the impression that they wanted to make it appear as not a general organization?

Answer. That it was local; a spree of the boys?

Question. Not a general organization throughout the State?

Answer. Yes, sir.

Question. You spoke of able men; I think you mentioned Mr. Toomb's name; you said you thought they had not done as much as they could to put this down, and you were asked if they could hold any official position by which they could put it down. In your judgment, how much influence could they exercise upon it without holding official positions; could they control it?

Answer. General Toombs, with his powerful intellect, with the influence he has in the State, and having been connected with State and national politics for a very long time, with his particular line of politics, could control it, independent of any official position, or any support of law.

Question. Are there other men such as Mr. Toombs, who could aid him very much?

Answer. Yes, sir; I only spoke of him as one man. I do not want to cast any reflection upon him at all; I speak with the highest respect of his abilities.

Question. Name some other persons who could operate with him?

Answer. Alexander H. Stephens, Linton Stephens, General John B. Gordon, and General Alfred Colquhit.

Question. Are they all leading democrats in that State?

Answer. Yes, sir.

Question. Do they act together politically?

Answer. Yes, sir; under the lead of the democracy; they may have different distinctive personal views. I speak of these gentlemen because of their weight and influence in the State; not as being connected with the organization, because I do not know that they are connected in any manner or form with it; but they have power and influence politically over the State.

Question. You mean they are of that class of men who have influence?

Answer. Yes, sir.

Question. What could they do to put this organization down; in your opinion what should they do?

Answer. I think all that is necessary for them to do would be to issue an edict.

Question. You think an order of that sort from them would be obeyed by the Klan?

Answer. I think it would have such an influence upon the whites of the State that it would check its progress, and probably lead them to abandon the whole thing.

Question. Have the republicans denounced it?

Answer. Yes, sir; they have opposed it as much as they could.

Question. Have the democrats generally done so?

Answer. Not that I know of.

Question. Suppose this class of men of whom you have been speaking were to denounce it in the unmeasured terms which you believe it deserves, and do so publicly, would it probably cause it to cease?

Answer. I think it would bring peace and harmony to the State.

Question. Have they shown any disposition to do that? Have you ever heard of their doing it on any occasion?

Answer. Some of the individuals I have mentioned may have done it privately, but I know of no published or written document coming from any of them, or from all of them, to that effect.

Question. Would not palliation from such a source have a tendency to encourage these things?

Answer. It would have; yes, sir.

Question. Have you ever heard the leading men of your State characterize the proceedings of this Klan as a species of wild justice, justified to some extent by the circumstances of the State?

Answer. No, sir, not to me personally; I have not heard any expression of that kind.

Question. Have you heard of their characterizing it in terms that amounted substantially to that; any of the leading men of the State?

Answer. No, sir; I have not.

Question. Have you seen any such thing in the public prints of the State?

Answer. I do not know whether I have your connection now.

Question. I mean have you seen or known the public prints of the State to speak of it as a species of wild justice, rendered necessary by the circumstances surrounding the condition of affairs?

Answer. I have; I think I can get the papers if you wish them.

Question. They have treated it in that way?

Answer. Yes, sir.

Question. In the public press?

Answer. Yes, sir.

Question. Were these papers democratic?

Answer. Yes, sir.

Question. Did the republican papers speak of it in that way?

Answer. No, sir; they denounced it.

Question. Did they denounce it as an outrage and a crime?

Answer. Yes, sir.

Question. Such publications in the public press must have some effect upon the men engaged in this thing; has it the effect to encourage them?

Answer. Yes, sir, materially.

Question. You do not mean to say that these men would encourage acts of murder, or that they would justify an act of murder?

Answer. Who, the public prints?

Question. Yes.

Answer. No; I do not think they would.

Question. You think they might condemn some of the extravagances of which the organization was guilty, but when they speak of it, you mean in general terms?

Answer. Yes, sir; in general terms.

Question. In general terms they encourage it?

Answer. Yes, sir.

Question. Suppose it should be known or alleged, with the probability of proof, that a colored man had been whipped for insolence, or for using violent or perhaps provoking language to a white man, how would the whipping of him by this organization be regarded; as justifiable?

Answer. As perfectly right.

Question. You think the scourging of colored men for alleged offenses, not for real violation of the criminal laws of the State, would be justified or apologized for?

Answer. Well, I think they would be disposed to apologize; I do not know whether as a general thing they would justify it.

Question. Have the victims of these outrages generally had some crimes alleged against them, by the men who committed the outrages upon them; did they generally trump up some charge of crime against their victim?

Answer. Yes, sir; they most generally gave some excuse.

Question. Is that universally the case?

Answer. No, sir; I do not think it is universally the case; I think they sometimes come along and do it without any apology at all.

Question. Is it your judgment that the purpose of this organization was directed to nullify the practical effect of the reconstruction policy of Congress, in conferring rights upon the colored people?

Answer. I think so.

Question. That is, that though the law might stand conferring the right, they mean to prevent its exercise?

Answer. Yes, sir; if you refer to the right of suffrage.

Question. And in that way nullify the practical effect of the law?

Answer. That appears to me to be their design.

Question. Do you think that a leading design of the organization?

Answer. I think it one of the leading designs; the other is to get into power and place, and to get the Government into their own hands.

Question. Would not that be a very efficient means to get the Government into their own hands?

Answer. Yes, sir.

Question. If the colored people could be kept from the ballot-boxes, so that the white people of the State would have entire control, would they willingly confer upon the colored people the rights and privileges which were conferred upon them by the reconstruction policy of Congress?

Answer. I think they would not.

Question. You think they would not?

Answer. No, sir.

Question. You said that those who were disposed to defend the reconstruction policy of Congress, and the conferring of these privileges upon the colored race, had a violent opposition manifested against them, and that they were not entirely safe in some localities in expressing these opinions in strong language?

Answer. Yes, sir.

Question. I understood Mr. Beck, when he put the question to you, to ask whether, if they defended all the acts of the party in power, both in the State and National Government, there was not opposition to them; I call attention to the words, "Would there be opposition and danger to their expressing their opinions, even if they did not defend every act?" Suppose they defended the main policy of Congress, and the main policy of the State administration; that is, declared themselves republicans, and attempted to make republican speeches; do you think they would then go unmolested?

Answer. I think they would be disturbed in some way, either by reproachful words or abuse.

Question. You do not mean that they must defend all that has been done to render themselves subject to such disturbances?

Answer. No, sir.

Question. You were asked if the republicans had held any meetings to turn public attention against these organizations. What effect would a public meeting of the republicans of that State produce upon such an organization?

Answer. No good effect, and it might encourage them to treat the republicans worse; we would have to submit quietly in order to give no offense.

Question. Suppose the republicans should hold an indignation meeting and pass strong denunciatory resolutions against this organization and against its proceedings; would it produce any good effect in suppressing it?

Answer. None whatever.

Question. Would the effect be rather the other way?

Answer. They would get the malediction and abuse of the papers there.

Question. For doing so?

Answer. Yes.

Question. Is that the reason why the republican party is powerless?

Answer. Mainly so.

Question. Have you any carpet-baggers in your section of the country, as that term is generally understood; men who have gone down there since the war and held official positions?

Answer. No, sir, I do not know of any.

Question. There is no carpet-bagger there, as such, who holds an office in that county?

Answer. No, sir. They call me one, but I have been there twenty-three years.

Question. I do not mean that exactly. I mean those who have gone down there since the war.

Answer. No, sir; none of that sort.

Question. Suppose those who are called the better class of the community, the white men who have position and property, were zealous in their efforts to ferret out and detect these offenders, would they be likely to succeed in bringing many of them to justice?

Answer. No, sir.

Question. You think the community would not be able, even the best portion of it, to do so?

Answer. I do not think at this time there is moral force enough in the community to put it down.

Question. You do not think there is moral force enough?

Answer. No, sir.

Question. Suppose the great body of men of property and influence would set their faces against it?

Answer. Then it would be just as I said, that the prominent men in the State I have mentioned could do it.

Question. You were questioned rather closely in regard to the grand juries, and asked if you knew any instance where they allowed a man to escape against whom the proof was plain, and you were unable to give an instance. Still you seemed to think that the grand juries were not doing their duty entirely, because of public sentiment to the contrary, you said.

Answer. Yes, sir.

Question. Now let me ask you if you believe the grand juries, as a general thing, do make that diligent inquiry which their duty requires?

Answer. No, sir; they do not. One grand jury in their presentment charged these outrages upon the people of Floyd, and tried to do what they could to bring it before the court; they did that the first week. The second week another jury brought in a different state of things. The first one was greatly condemned, because they brought out things that were true and injurious, and tried to suppress this violence.

Question. That jury reported these things?

Answer. Yes, sir; the first jury did.

Question. What was said of that jury for doing it?

Answer. The public prints took it in hand and condemned them.

Question. Condemned them for exposing it?

Answer. Yes, sir.

Question. Why did they say it should not be exposed; that it was a disgrace to the country, or anything of that sort?

Answer. No, sir; they tried to palliate it or excuse it.

Question. What did the next jury do?

Answer. They tried to excuse it too.

Question. They followed the tone of public sentiment?

Answer. Yes, sir.

Question. Is that what you mean by the grand jury following public sentiment?

Answer. Yes, sir.

Question. Did the course taken by the papers tend to make the jury less diligent in inquiring into and ferreting out such offenses?

Answer. Altogether so.

Question. And you think the reason why the grand jury did not exert themselves sufficiently to find out these things was because of the public sentiment that surrounded them?

Answer. Yes, sir.

Question. You spoke of alibis being proved. Is it common there for those charged with Ku-Klux outrages to get off upon proving an alibi?

Answer. They feel very secure in getting off in that way.

Question. Might not the grand jury, by being easy in their belief of such proof, plausibly release parties that ought not to be released?

Answer. Yes, sir; I believe so.

Question. Do you think your grand juries have practiced upon that principle?

Answer. I am under the impression that our jury did in this same county. Mr. Beck asked me if I knew of a single instance. I was not attending court and I do not know positively, but the general impression was on the street that two men killed a colored man in town. They were brought before the court and they proved their presence somewhere else. Men did not appear to testify against them.

Question. Is there such a state of intimidation among witnesses as to interfere with the action of the grand jury?

Answer. To some extent I think it is so.

Question. Are the parties who are outraged generally afraid to go and tell it; to make it known in official quarters?

Answer. Persons who are outraged are afraid to give information.

Question. Is it your opinion that many persons have been outraged in your county who have kept it a secret?

Answer. I think there are some.

Question. Do you know whether these men, when they commit outrages, threaten further and more violent outrages upon the parties if they make it known? Is that the rumor?

Answer. That is the rumor.

Question. Have you ever heard the rumor contradicted?

Answer. I never have.

Question. Is that rumor general?

Answer. Yes, sir.

Question. Is the prevalence of such a rumor uncontradicted likely to intimidate witnesses and lead them not to make their grievances known to the grand jury?

Answer. I think it has that kind of influence.

Question. You think, then, all these things are a bar to a full and proper administration of public justice, in regard to this class of offenses?

Answer. Yes, sir.

Question. Have you any opinion as to what the remedy for that would be? Is there anything that this National Government could do to remedy it?

Answer. Sometimes I think that general amnesty might do it; but I am not sure whether it would or not. Our people are so rebellious that I do not know what would reconcile them.

Question. Do you not believe that what is commonly called general amnesty would have a tendency that way?

Answer. It would have a very great tendency, if you gave up the Government to them, and let them exercise its functions.

Question. What do you mean by that?

Answer. Pardon them, and give them official positions.

Question. You mean that if these leading democrats were placed in office and given control of everything it would have a good effect?

Answer. Yes, sir, on them.

Question. Suppose they had simply the benefits of a general amnesty, had their disabilities removed, but by the colored vote were still kept out of office, would that help the matter?

Answer. This question I have not studied fully. At one time I thought it might be the best thing for the Government to pass a law of general amnesty; but then at other times I feared that there was so little love for the Government that it would not do much good; so I have not come to any positive conclusion on the subject.

Question. What has been the effect of the recent law of Congress, known as the Ku-Klux law, supplemented by the President's proclamation, on that subject?

Answer. I have heard of less disturbance since then.

Question. You think the effect has been good?

Answer. Perhaps it has.

Question. Do you know Mr. Forsyth, who has been here to-day?

Answer. Yes, sir.

Question. Is he a man of standing and character?

Answer. Yes, sir; he stands quite well.

Question. Is he a man of intellect and sound judgment?

Answer. I think he is a man of fair intellect and fair judgment, and I consider him a truthful man.

Question. Have you ever heard anything against his character?

Answer. Never; he has lived in our city only two or three years.

Question. Are his social standing and surroundings good?

Answer. Yes, sir; his family and connections are all good.

By the CHAIRMAN, (Mr. POLAND:)

Question. There is Judge Wright here from your town as a witness; does he belong to the same category of men as Toombs and Stephens, and would you rank him with the same class of men?

Answer. I think Judge Wright would have a great deal of influence in reconciling these things.

Question. He is a man who is under disabilities?

Answer. He says he has President Lincoln's pardon; I do not know.

By Mr. BLAIR:

Question. That does not remove his disabilities, does it?

Answer. I think he is somewhat in doubt himself.

By the CHAIRMAN, (Mr. POLAND:)

Question. Is he a man very active in politics? Does he talk a great deal?

Answer. Yes, sir; he is a man who has had a great deal of influence. He was a Douglas democrat before the war, and it required a great deal of nerve to be a Bell and Everett man or a Douglas man then, and he was bold in his advocacy of Douglas.

Question. He was formerly a member of the United States Congress?

Answer. Yes, sir.

Question. And he was a member of the confederate congress?

Answer. Yes, sir; and he had a legion in the confederate service known as Wright's legion.

Question. It was named after him?

Answer. Yes, sir; I do not think they went into active service, though it was organized.

Question. What ground does he take about these Ku-Klux outrages? Does he condemn them or apologize for them?

Answer. It has been more of apology than anything else.

Question. He has been counsel for them, when there have been any prosecuted?

Answer. Yes, sir, he has been in two or three instances—in two that I have in mind—in the case of the negro who was killed in town.

Question. Do you happen to know anything about a transaction where a man, who was taken up for one of these outrages and committed to jail, was rescued?

Answer. That was in the adjoining county. Do you recollect the name? Was he rescued from the military?

Question. Yes.

Answer. That was in Chattooga County.

Question. The county adjoining yours?

Answer. Yes, sir.

Question. A man was arrested on a charge of participating in one of these outrages?

Answer. Yes, sir; as being a leader I think, and the case was reported to General Terry, and he sent a squad of soldiers up there, probably a company, and they arrested the man and put him in prison.

Question. Was there some application made to the former judge?

Answer. Judge F. A. Kirby was then acting.

Question. What was this application to Judge Kirby to discharge this man?

Answer. They went to Judge Kirby's house and demanded the release of this man.

Question. An armed body of men?

Answer. Yes, sir; the man had been taken by the Union soldiers and put in prison, and they went to the judge.

Question. They—who?

Answer. This organized band, this disguised band, the Ku-Klux, generally known as the Ku-Klux.

Question. How large a force was there of them?

Answer. Judge Kirby told me that they ranged between one hundred and fifty and three hundred; that was his conclusion. His wife was then very sick with consumption, about dying, and he pleaded with them to be allowed to remain home with his wife, but they would not hear to his pleading at all.

Question. What did they want the judge to do?

Answer. They wanted that he should by some manner of means get this man out of prison. They gave him a brief time to make up his mind. He went in the dead hour of the night and had an interview with the officer; that is my recollection; and pleaded

that it was for his life that he desired the man released and given up to this band, there being, as he believed, three hundred armed Ku-Klux men on one side, and on the other side thirty soldiers; and they yielded to his wish.

Question. They threatened to take the man away by force, if not given up?

Answer. Yes, sir.

Question. And the officer in command of these thirty soldiers did give up the man?

Answer. Yes, sir.

Question. Did you ever hear Judge Wright say anything about that transaction?

Answer. I heard him denounce it as wrong, but he thought as they could not release the prisoner in any other way, as he supposed, he rather justified the taking of this man from the hands of the military.

Question. How long ago was that transaction?

Answer. It was last year some time.

By Mr. BLAIR:

Question. You say Judge Wright both denounced it and justified it?

Answer. He denounced it so far as the treatment of Judge Kirby was concerned. He did not like the treatment of Judge Kirby, who is connected with Judge Wright by marriage in some way or other.

By the CHAIRMAN, (Mr. POLAND:)

Question. It was their conduct to Judge Kirby that he found fault with?

Answer. Yes, sir; but as they would not obey a writ of habeas corpus, I think he justified their taking the man from the military.

Question. He justified their taking the man away by force?

Answer. Yes, sir; on that ground.

By Mr. BECK:

Question. And had not these soldiers in fact gone up there and taken this man out of his bed at night without any charge against him, and refused to tell what charge, if any, they had against him?

Answer. I do not know.

Question. What was the man's name?

Answer. That I do not recollect.

Question. Do you not remember the fact that they did take him from his bed at night and refused to tell him why he was arrested, or said that they did not know; and also that they refused to obey a writ of habeas corpus, and refused to state any sort of ground for his arrest, and that Judge Wright thought that they, too, had acted wrong as well as the Ku-Klux fellows?

Answer. My recollection is that he was taken at night, but I do not know all about the circumstances.

Question. Was not this the general idea that Judge Wright had, that these fellows had arrested the man without a warrant; had confined him without intimation of the charge against him; had refused to obey a writ of habeas corpus; had refused to give up control of the man; and therefore they were wrong in holding him; and that these disguised men were equally wrong in doing what they did to Judge Kirby?

Answer. That is about what I said in substance.

Question. Was it not generally understood there that General Terry was made absolute commander of your district by the President and General Sherman, with absolute power, and against the law of Congress itself?

Answer. I do not know about that.

Question. Was it not generally believed that they had usurped authority under pretense of the act of December, 1869, when, in fact, there was no authority of that kind? Was there not a great deal of feeling?

Answer. Yes, sir; there was some feeling.

Question. Did not General Terry remove judicial officials elected by the people and put in other men?

Answer. I do not remember an instance.

Question. Do you not remember that he removed a judge of one of your courts, a republican, Mr. Wetmore, or some such name as that?

Answer. I do not recollect that instance.

Question. Did he not organize the legislature of Georgia by putting Harris, a railroad employé, in the chair, and doing pretty much as he pleased by military authority for a while? And was not that considered high-handed usurpation on the part of the President and his military officers; was not that the way the people felt in Georgia?

Answer. That is the way members of the legislature expressed themselves.

Question. Did not all the people who knew anything about it feel in that way? Did you ever hear any republican contend that under the act of Congress either the President or General Terry had the right to do the things they did; to arrest men, to suspend the writ of habeas corpus, and to do what they did do with their soldiers in the re-reconstruction of Georgia?

Answer. I have never heard them express their opinion.

Question. Was not this man taken by General Terry's soldiers when General Terry was assuming to act as the military commander of that district?

Answer. Yes, sir.

Question. After the constitution of Georgia had been adopted?

Answer. Yes, sir.

Question. And after the legislature of Georgia was organized?

Answer. Yes, sir.

Question. And did not other lawyers, as well as Judge Wright, condemn and denounce the usurpation of the military in so arresting men, and refusing to allow them to be tried before civil courts?

Answer. I have never heard any others than Judge Wright say so.

By Mr. POOL:

Question. What was the man charged with who was arrested by the soldiers?

Answer. My impression is that he was charged with being one of a band who shot at or beat some negroes; I do not know the circumstances in detail.

Question. Was he charged with being a member of a disguised party who did that?

Answer. Yes, sir.

Question. He was charged with Ku-Klux outrages?

Answer. Yes, sir.

Question. Was that charge ever filed in any court anywhere, by anybody?

Answer. I do not know whether it was ever filed. It was reported to General Terry, and he sent his officer and some soldiers up there and had the man arrested.

Question. Is it a fact that a band of disguised men did commit such an outrage upon the negroes there?

Answer. That was the rumor; I do not know about the truth of it; I was not present there, but it was generally conceded to be so.

Question. Did anybody deny that there had been such an outrage committed by a disguised band?

Answer. No, sir; it was not denied by any man.

Question. What were the circumstances surrounding that outrage?

Answer. That was twenty-five miles away from my home.

Question. What did they do, as you understood?

Answer. They went to the house of Ben. Taylor, a colored man, who was farming; he had the superintendency of his former owner's place, and was endeavoring to make a crop. That was one of the persons; the other man's name was McHenry, a Methodist preacher.

Question. Was he a colored man?

Answer. Yes, sir; both of these men were colored men. My impression is that it was said they shot at Ben. Taylor five or six times.

Question. At his own house?

Answer. Yes, sir, and on his former master's place. I have this report from Mr. F. C. Taylor himself, the owner of the place.

Question. Was that at night?

Answer. Yes, sir.

Question. Were the men disguised who did it?

Answer. Yes, sir; the men were all disguised.

Question. What number were there of them?

Answer. I cannot recollect now the number; it was done last year some time. Mr. Taylor, the owner of the plantation, reported it to General Terry, and when he returned they sent a communication to him warning him not to remain at his home. He went to the civil courts and could get no redress, and the advice was for him to go to the military, and upon that complaint and the complaint of James McHenry, a colored man, this order was issued by General Terry, commanding his troops to go to Summerville and arrest such persons as were made known to them in connection with this outrage. Among that number was this man who was arrested at night and put in prison.

Question. What else did they do?

Answer. They did other things, but I cannot recollect what.

Question. Was anybody shot or struck?

Answer. These colored men were shot at, and they made their escape.

By Mr. BLAIR:

Question. Shot at by the troops?

Answer. No, sir; shot at by the Ku-Klux, and the troops arrested one of the Klan recognized to be the leader.

By Mr. POOL:

Question. I was asking what else the Ku-Klux did?

Answer. They made an attack upon Ben. Taylor's house and upon James McHenry; these men were both colored men, and were quite influential men.

Question. Were they republicans?

Answer. Yes, sir, they were republicans. They got James McHenry, and beat him and beat one of his sons. They shot at Ben. Taylor, and Ben. fired back upon them and made his escape. Then Mr. F. C. Taylor came to Rome, to see if something could be done.

Question. Is he a white man?

Answer. Yes, sir, the owner of the plantation, a fine, large plantation.

Question. Is he a republican?

Answer. He is neutral; rather inclined to be a republican; a Union man.

Question. Was this man who was under arrest, and who was rescued, implicated by witnesses?

Answer. He was implicated by Ben. Taylor and James McHenry.

Question. Did they say they recognized him?

Answer. Yes, sir, and so reported to General Terry, and upon that report and upon the order of General Terry the man was arrested.

Question. Did they make affidavit of the fact?

Answer. I suppose they must have done so, or General Terry would not have acted upon their information.

Question. Was this man who was under arrest by the soldiers said to be a leader of this gang?

Answer. Yes, sir.

Question. Were others arrested besides him by the soldiers?

Answer. My recollection is that they arrested him alone.

Question. What has become of the man?

Answer. I do not know whether he is in the county now or not?

Question. Do you know whether he left the county after his release?

Answer. I do not recollect whether he did or not.

By Mr. BECK:

Question. Was not the man named Etheridge who was arrested by the military?

Answer. Yes, sir, that is my recollection.

WASHINGTON, D. C., *July* 11, 1871.

GEORGE P. BURNETT sworn and examined:

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you live?

Answer. My home at present is in Atlanta, Georgia.

Question. How long have you lived there?

Answer. I have lived in Atlanta about eighteen months.

Question. Where did you reside before that time?

Answer. In Rome, Georgia.

Question. Were you born in Georgia?

Answer. No, sir; in Tennessee.

Question. How many years have you lived in Georgia?

Answer. About thirty-one years.

Question. What is your business?

Answer. My occupation has been that of a merchant and planter.

Question. Is that your occupation now?

Answer. Yes, sir; but I have not been merchandising for two or three years.

Question. Do you hold any official position in the State?

Answer. None.

Question. Have you ever held any?

Answer. I have held some little offices. I was mayor of the city of Rome; and since the war I have held some positions.

Question. What positions have you held since the war?

Answer. I was a member of the constitutional convention.

Question. The convention that framed your present constitution?

Answer. Yes, sir.

Question. Were you a Union man during the war?

Answer. Yes, sir; I was.

Question. What were you doing during the war?

Answer. I was looking after my planting interests.

Question. You were not connected with the army?

Answer. No, sir.

Question. With what party have you acted since the war?

Answer. The republican party.

Question. Have you been somewhat active as a republican?

Answer. Yes, sir; I presume it would be considered so, though I have not taken a great deal of interest in it.

Question. You were the republican candidate for Congress in your district at the last election?

Answer. Yes, sir; I was.

Question. Did you go about in your district to make political speeches?

Answer. Yes, sir; I canvassed the district pretty well—almost all the counties.

Question. Did you find any obstacle or hinderance in doing so?

Answer. No, sir; I cannot say that I did.

Question. Was there any objection made by anybody to your making political speeches anywhere?

Answer. Well, sir, I went from Rome to Summerville, where I was raised. I did not go for the purpose of making a speech; I intended and expected to have gone in company with General Young.

Question. He was the democratic candidate?

Answer. Yes, sir; but he got away without me; I went over there, and got there about 6 o'clock in the evening, I believe; I met a good number of citizens; about 12 o'clock that night some disguised men, known as Ku-Klux in that country, made their appearance, but they did not do me any harm at all; they sent me a note asking me to leave the place, stating that I could not travel through that country; that I could not be allowed to make a speech there, and that I must leave by a certain time.

Question. Did they come about the house where you were?

Answer. They came within about thirty yards of me.

Question. How large a body of them?

Answer. I saw about six of them; that was all.

Question. They were in disguise?

Answer. Yes, sir.

Question. And armed?

Answer. They had pistols; they fired off their pistols all about town.

Question. Is that all there was of that transaction?

Answer. That is all. They sent me a note; and as soon as it was delivered they left. The note was delivered by another party.

Question. What was the substance of this written communication which they sent to you?

Answer. It stated to me that I would not be allowed to travel through that county, and that I could not make a speech there; that I had to leave by 8 o'clock the next day; that if I did so, and went back the way I came, I should not be harmed; and that in the event I remained, I would be dealt with very severely—or words to that effect.

By Mr. BECK:

Question. In what county is Atlanta?

Answer. Fulton County.

By the CHAIRMAN, (Mr. POLAND:)

Question. Is that the only visit or communication you have had from any of these men?

Answer. Yes, sir.

Question. What can you tell us in relation to the liberty there is in your part of the State of Georgia for a man to express his political sentiments, provided his opinions are in favor of the republican party? Has every man entire freedom to express his political opinions, if they are republican opinions?

Answer. I do not think it is prudent or safe in some localities for a man to express his opinions fully, especially if he is a republican, or has been connected with the United States Army.

Question. Who objects to it?

Answer. It is very hard to say who objects to it; but it is objected to; there is no doubt about that

Question. Can you give us any facts bearing upon that matter—any instances of which you have knowledge or information, where, in any part of the State of Georgia, men have prevented, or attempted to prevent, the free expression of political opinions?

Answer. I have just given you one case—my own.

Question. Can you state any other?

Answer. I cannot give you anything of my own knowledge. I have heard of a great many things.

Question. We allow a man to state what has been stated to him, if it came to him in such a way that he believes it. I ask you whether you know or have heard in any authentic manner of any instances where anybody has undertaken to prevent the free expression of political sentiments, either by public speech or otherwise.

Answer. Well, I could not give any such instance from my own knowledge. I have heard of these things.

Question. We allow you to state anything that you have heard, if you have heard of it in such an authentic way that you believe it to be true.

Answer. I cannot call to mind any special case.

Question. The particular subject that this committee desires to inquire about is the condition of your community, so far as peace and good order are concerned, whether the laws are executed, whether person and property are secure, or whether crimes are committed which are not punished, and especially whether crimes have been committed by bodies of armed men in disguise. State any such occurrences in your part of Georgia of which you have known, or which you have information about.

Answer. I am pretty well satisfied that there have been a number of outrages committed in my section of the country—principally upon negroes, although I have never witnessed anything of that sort.

Question. I have already said we do not confine you to what you have personally seen and known. We allow you to state any information that you have about these things which you consider authentic, as well as any instances which have come within your own knowledge.

Answer. A few months ago—I have forgotten the date now—there was a negro killed in or near Rome; I believe it was right in the town.

Question. Do you remember his name?

Answer. I was trying to think of it, but have forgotten it.

By Mr. BECK:

Question. Was it the case of a negro who went by two names—one being Foster, his master's name, and the other Jourdan Ware?

Answer. No, sir; this was another negro. I do not remember his name, and I do not remember the date; but it was some five or six months ago that this happened. There was a negro by the name of Foster or Jourdan Ware, who was killed.

By the CHAIRMAN, (Mr. POLAND:)

Question. The case to which you are now referring is not the case of Jourdan Ware?

Answer. No, sir; I have forgotten the name of this negro.

Question. As you understood, was he killed by a body of disguised men?

Answer. That was my understanding; and, from all the circumstances, I am induced to believe that it was so.

Question. Was he killed in the night?

Answer. I was not at the place where it occurred.

Question. Did you hear anything alleged as to why it was done?

Answer. I do not remember that I did hear any reason.

Question. Did you hear that there was any crime alleged against him?

Answer. I think not.

Question. Did you hear of this case of the attack on Jourdan Ware?

Answer. Yes, sir, I heard of that case.

Question. You used to live at Rome?

Answer. Yes, sir.

Question. Did you know Jourdan Ware?

Answer. I am not certain that I did.

Question. It seems that he lived with a man named Foster. Did you know a white man named Green Foster?

Answer. Yes, sir, I knew him very well; and I think I knew the colored man; I am not certain.

Question. Can you state any particulars you may have heard in reference to the attack on Ware?

Answer. Yes, sir; I can state what I heard. A body of about twenty-five or thirty disguised men went one night and met him upon the road. (I think this was the case of Jourdan Ware.) I am not certain that they went to his house. I believe they met him on the road, somewhere or other, and demanded of him his arms and his watch. I believe he gave up his arms, and they shot him upon his refusal to surrender the watch, and he died a day or two afterward.

Question. Did you ever hear that there was any accusation of his having done anything wrong?

Answer. No, sir; I think not, except I believe I did hear that there was some complaint of his impudence, or something of that sort.

Question. We hear from a great many witnesses about the "impudence" of negroes. What is considered in your section of the country "impudence" on the part of a negro?

Answer. Well, it is considered impudence for a negro not to be polite to a white man—not to pull off his hat and bow and scrape to a white man, as was always done formerly.

Question. Do the white people generally expect or require now that kind of submissive deportment on the part of the negroes that they did while the negroes were slaves?

Answer. I do not think they do as a general thing; a great many do.

Question. Are there many white people who do require it?

Answer. Yes, sir; I think there are a great many who do require it, and are not satisfied unless the negroes do it.

Question. Suppose that a negro man has been working for a white man, and they have some difference or dispute in relation to wages, will your people generally allow a negro man to stand up and assert his rights in the same way and in the same language which they would allow to a white man without objection?

Answer. O, no, sir, that is not expected at all.

Question. If the colored man does stand up and assert his rights in language which would be considered pardonable and allowable in a white man, that is considered "impudence" in a negro?

Answer. Yes, sir; gross impudence.

Question. Is that species of "impudence" on the part of the negro considered a sufficient excuse by many of your people for chastising a negro, or "dealing with him?"

Answer. Well, some think so.

Question. What other outrages have you heard of in your part of the State as committed by disguised men?

Answer. Well, I have heard of outrages all over the State, but I cannot call to mind now the particulars.

Question. State in the first place any incident which you may remember as occurring in the region of the State where you live.

Answer. A short time ago there was a negro killed at Marietta, Georgia.

Question. Where is that?

Answer. It is above Atlanta. These things occur frequently—so frequently that really I never pay much attention to them. If I hear of a negro being killed, I pay very little attention to it, unless I should happen to know him personally.

Question. When did you first begin to hear about these bands of disguised men—Ku-Klux, as they are called—being around? They have, I suppose, appeared in your part of the State?

Answer. O, yes, sir; I think so.

Question. How long ago did they begin to make their appearance?

Answer. I think it has been about three years since they began, perhaps a little over.

Question. How long is it since you heard of the last band of armed men in disguise going about in the neighborhood?

Answer. About a month.

Question. Have you any belief that this organization of disguised men that has been going about your country for the last two or three years has ceased or disbanded?

Answer. No, sir; I do not think they have.

Question. You have heard of them within about a month?

Answer. Yes, sir; I think so.

Question. In your part of the State of Georgia have there been a good many colored men killed by these bands?

Answer. There have been a good many whipped severely, and also some killed.

Question. Have there been a good many more whipped than killed?

Answer. Yes, sir.

Question. Do you know of any white men having been killed by these bands of disguised men?

Answer. No, sir; I have heard of them, but not in my immediate vicinity.

Question. Have you heard of white men being killed by these disguised bands in other portions of the State?

Answer. O, yes, sir.

Question. Have they killed a good many more colored men than they have white men?

Answer. I think they have.

Question. Have you heard of any white men being taken out and whipped by these disguised bands?

Answer. Yes, sir.

Question. Have you heard of a still greater number of colored men being whipped?

Answer. Yes, sir.

Question. The operations of these bands are more generally directed against colored men than white men?

Answer. I think so.

Question. In your judgment, from what you have seen and heard, is there something of a political character about this organization?

Answer. I think it is entirely political.

Question. What makes you think so?

Answer. Because the parties who are maltreated by these men are generally republicans. I have never known a democrat to be assaulted.

Question. Is that almost universally so?

Answer. I think so.

Question. Have you ever heard of any republican belonging to any of these bands?

Answer. No, sir; I do not think there are any.

Question Have the republicans of your State universally condemned and spoken against this organization?

Answer. Yes, sir; I think they have.

Question. Have the republican papers in your State universally denounced them?

Answer. I think they have.

Question. What has been the course of men of the other party in reference to this matter? How have they talked about it?

Answer. My opinion is that the other party have sympathized with these organizations. I have talked with democrats who, I think, did not favor these things; but a majority of them, in my opinion, do.

Question. How do they talk about the matter?

Answer. Some of them do not have very much to say about it in any way.

Question Do some of them deny the existence of these organizations?

Answer. Yes, sir; they have said they do not believe they exist. I do not think they say so now. I think it is pretty generally conceded now that they do exist. I think nobody will deny it now in that section of country, unless it be a crazy man.

Question. Do some of them claim that these persons upon whom violence is committed are persons who are charged with some offense or something of that sort? Is that excuse made by some of them?

Answer. Yes, sir; they sometimes say that the men assaulted have been guilty of some offense.

Question. So far as you have become acquainted with this class of outrages, have you generally learned that the persons upon whom violence was inflicted, (whether they were killed or whipped,) were persons who had in point of fact been guilty of some offense?

Answer. So far as my knowledge goes, the persons who have been whipped, as I before stated, are colored men, There have been no charges of anything wrong against their characters in any way, so far as I have heard, except in one case that I now recollect. A negro fellow who was whipped very severely was, I think, charged with some violation of law in some way; but I have forgotten now what it was.

Question. Do you remember where that took place?

Answer. Not far from Rome—a short distance below Rome. The negro's name was Hilliard Johnson. They took him out and whipped him.

Question. Give the committee your judgment in relation to the object with which this organization has been gotten up. What do its members intend to attain by it?

Answer. Well, sir, my opinion is that the first object of the institution of the Ku-Klux, or these disguised bands, was to cripple any effect that might be produced by Loyal Leagues. That is my opinion—that this organization was an offset to the Loyal Leagues.

Question. The Loyal League was a republican institution?

Answer. Yes, sir. My opinion is that this Ku-Klux organization carried the thing further than they really first intended.

Question. Do you know when the Loyal Leagues were all disbanded in your State?

Answer. No, sir, I do not; but I have a pretty good idea of the time.

Question. Have you known of Loyal Leagues being in operation in your State since the Presidential election of 1868?

Answer. No; I think about that time they disbanded,

Question. You have not heard of their being in operation since that time?

Answer. No, sir. I did not belong to the Loyal League; I never had anything to do with it.

Question. But the Ku-Klux organization kept on increasing after the Loyal Leagues were disbanded?

Answer. Yes, sir.

Question. What, in your opinion, is the object of keeping up the Ku-Klux organization and operating it as they do? What do they intend to produce or effect by it?

Answer. My opinion is, that the purpose was to break down the reconstruction acts; that they were dissatisfied with negro suffrage and the reconstruction measures and everybody that was in favor of them.

Question. Do you think this organization was intended to neutralize the votes of the negroes after suffrage had been extended to them?

Answer. Yes, sir, I think so.

Question. How? By intimidating them?

Answer. Any way. Yes, sir, by intimidation.

Question. Making them afraid to exercise the right of suffrage?

Answer. Yes, sir.

Question. Do you believe that the organization and its operations have, in fact, produced that effect?

Answer. I think they have to some extent.

Question. What is the state of feeling which has been produced among the colored people by this armed, disguised organization, and the acts they have committed?

Answer. Well, in my section of the country, the colored people, generally, are afraid now, and have been for some time, to turn out at an election. They are afraid to say much, or to have anything to do with public affairs. I own a plantation on Coosa River, upon which I have, perhaps, about 40 negroes, and some of them have been pretty badly alarmed, afraid to say much. Some have lain out in the woods, afraid to stay at home.

Question. For fear of these attacks?

Answer. Yes, sir. I have told the negroes on my place that I thought their alarm was entirely unnecessary; that I did not think they would be hurt; but they have got scared.

Question. You did not think they would be attacked on your place?

Answer. I did not think they would.

Question. These men have attacked negroes in a great many places. Was it your opinion they would not come on your premises to do it?

Answer. Well, I do not think they would, at least they never have.

Question. Have the operations of this organization produced the effect described to any considerable extent? Have a good many negroes who lived out in the country where the population was sparse, left and gone into towns in order to be safe?

Answer. O, yes, sir.

Question. How extensive has that been?

Answer. That has been pretty extensive in some localities.

Question. The negroes were afraid to live at thinly-settled places?

Answer. That is what they said.

Question. And they have broken up and gone into the towns?

Answer. Yes, sir; they have gone into the towns, saying they are afraid to live out in the country. That is an excuse which many of them give.

Question. This general movement of the negroes to the towns has not been beneficial at all in its effects?

Answer. No, sir.

Question. Their labor, I suppose, is needed in the country on the land?

Answer. Yes, sir.

Question. And in the towns there are generally more of this class of people than are needed or can be usefully employed?

Answer. Yes, sir.

Question. So far as you know or have heard, have there been any cases of prosecution and punishment for any of these outrages (killings, whippings, or whatever they may have been) committed by these armed bands?

Answer. I think not, except in a few cases.

Question. Have the great majority of such outrages gone unpunished?

Answer. So far as my knowledge and belief are concerned, they have.

Question. Can you give us any opinion as to why they have not been prosecuted and punished? What has stood in the way?

Answer. In the first place, it is a very hard matter to find out who the parties are that commit these depredations and outrages.

Question. Because they go about in the night and in disguise?

Answer. Yes, sir; they go in the night and in disguise. In the next place, the parties who really believe they know the criminals, are afraid to say anything about it.

Question. They are afraid some evil will happen to them if they give information, or testify, or take any measures to prosecute?

Answer. Yes, sir.

Question. Do you think that another obstacle has been that some portion of the white community sympathized with the offenders, did not wish to bring them to justice?

Answer. O, yes, sir, I think so.

Question. You think that has been one obstacle?

Answer. I do not think there is any doubt about that.

Question. What has been the general deportment of the colored people in your part of the State of Georgia since they became free?

Answer. I think they have behaved themselves very well.

Question. Have they as a general thing been quiet and peaceable?

Answer. Yes, sir, they have.

Question. Since the colored people became free has there been, in your judgment, any just ground of apprehension that the white people were in danger from them as respects person or property?

Answer. None at all.

Question. Do you believe there has ever been any necessity for organizing these Ku-Klux bands, or other bands of white men, for the purpose of affording protection to the white people against the colored people?

Answer. No, sir, I do not.

Question. Has there ever been in your part of the State any obstacle to the expression of political opinion by members of the democratic party?

Answer. No, sir; oh, no.

Question. Their expression of opinion has been free and unrestricted?

Answer. Yes, sir, so far as my knowledge goes.

By Mr. BECK:

Question. You spoke all over your district in your canvass?

Answer. No, sir; I did not speak all over the district. I was in nearly all the counties—I believe all the counties; but I did not speak in all of them.

Question. The only interruption you met was at Summerville?

Answer. Yes, sir.

Question. And there you did not expect to speak?

Answer. No, sir.

Question. It was there that you received this notice which you have mentioned?

Answer. Yes, sir.

Question. Were you going to leave at any rate?

Answer. Oh, yes; I staid as long as I expected to stay. I had no fears of them.

Question. That is the only interruption you met?

Answer. Yes, sir; that is all.

Question. You cannot recollect of anybody else being interrupted?

Answer. Oh, yes, sir; I remember of others being interrupted in that county. I remember a party of disguised men that took a prisoner out of jail.

Question. I mean public speakers.

Answer. No, sir, I do not remember any.

Question. What was that case where a prisoner was taken out of jail?

Answer. I have forgotten at what time it occurred; it has been, I think, about a year and a half ago. There was a man arrested, according to my recollection, by the United States troops.

Question. That was the Etheridge case?

Answer. Yes, sir; the man was in jail, and being guarded by United States troops. A party of disguised men came and took him out.

Question. That is the man who was arrested by order of General Terry?

Answer. Yes, sir, I think it was.

Question. Was it not generally considered in your county that, while it was an outrage for these men to come and take this man out of jail, it was an equally great outrage for General Terry to put him there?

Answer. No, sir. It was so considered by a few, but not generally so considered.

Question. Why was it not?

Answer. Well, this man was a bad man—so regarded by everybody; he had committed depredations; and they wanted somebody to arrest him and put him in jail.

Question. What authority had General Terry to do so?

Answer. I do not know anything about the authority.

Question. What authority do your people understand General Terry had to put a man in jail?

Answer. We had a sort of military government there.

Question. That was after your constitution had been adopted; was it not?

Answer. Yes, sir, I think it was.

Question. And after your legislature was in session?

Answer. Yes, sir.

Question. After your governor was installed?

Answer. Yes, sir, I think it was.

Question. Had General Terry, or the President of the United States, or anybody else the right to put a man in jail without authority of law?

Answer. General Terry sent troops all about over the State.

Question. I know he did; but was he not just Ku-Kluxing, in the eye of your constitution and the Federal Constitution?

Answer. I think not.

Question. Did General Terry or the President ever dare to inquire into the cause of the rescue of that man from them?

Answer. General Terry was very mad about it.

Question. Did he ever inquire into it?

Answer. The demand was made upon the judge of the circuit——

Question. We know the circumstances; they have been testified to already; but I want to know whether General Terry ever ventured to make an inquiry into the cause of the rescue of that man?

Answer. I do not know, sir; I presume he did; but I do not know.

Question. Do you not know that he was afraid to inquire into it, because he himself was a trespasser in arresting the man?

Answer. I do not know that.

Question. Was there any law, State or Federal, that authorized the President of the United States, or his military officers, when your courts were open and your constitution in full effect, to go and arrest a citizen and put him in jail, by means of the soldiery, without a warrant and without an affidavit?

Answer. It occurs to me there was a military order under which this man was reached. As to the legality of it, I do not remember now.

Question. I know that the President assumed that authority, and that General Terry executed it; but did any lawyer, democrat or republican, ever contend that the arrest of that man was anything else than usurpation on the part both of the President and General Terry; and did not the President and General Terry fail to have it investigated because it was known to be so?

Answer. I have never heard that idea suggested until within the last few days; before that I never heard such an intimation.

Question. The case was not investigated, however, by General Terry?

Answer. I think not; I do not know about that.

Question. Have you not confounded the case of Jourdan Ware with another case? You say he was met on the road, and was shot because he would not give up his watch.

Answer. Well, that may have been the other case.

Question. Was not that the case of the man who was induced to go out by Ku-Klux, representing themselves as Union soldiers, who started out himself on what he supposed was a Ku-Kluxing expedition, and was shot by those fellows, after they got him out?

Answer. No; I think there was nothing of that sort.

Question. You never heard of that?

Answer. I would not believe it if I did.

Question. Why would you not believe it?

Answer. Because it is unreasonable.

Question. Is it unreasonable that a negro who felt that his race had been persecuted should, when those who claimed to be his friends came and offered to go with him to take vengeance, go out on an expedition of that kind?

Answer. It would be very unreasonable for a negro to undertake a thing of that sort. The negroes are so largely in the minority that it is unreasonable to think a negro would attempt a thing of that sort.

Question. You never heard that suggested?

Answer. I never have, and would not have thought of such a thing.

Mr. BECK. It has been testified to here.

The CHAIRMAN, (Mr. POLAND.) You state the case, Mr. Beck, in an entirely different way from what the witness did who told the story.

Mr. BECK. I think not. My recollection is that this negro was called upon by men whom he believed to be Union soldiers, and was induced by them to go out with them on a Ku-Kluxing expedition.

WITNESS. Now that I understand you, I would not be surprised that a negro might be induced probably to go into something of that sort in that way; but I never heard of that before.

The CHAIRMAN, (Mr. POLAND.) The statement was that the men represented to the negro that they were a body of Union soldiers, and were going out after a band of Ku-Klux.

Mr. BECK. For the purpose of killing them.

The CHAIRMAN, (Mr. POLAND.) No; they did not say that. They said that they were a body of Union soldiers, and were going in pursuit of a band of Ku-Klux.

Mr. BECK. You will find that they went a step further.

The CHAIRMAN, (Mr. POLAND.) The "step further" was in your question, not in the statement of the witness.

Mr. BECK. The witness said he had heard that as being the fact.

The CHAIRMAN, (Mr. POLAND.) As you stated the case to this witness, the negro was going on a marauding expedition with a body of Union soldiers; but the witness who told the story represented that they said they were going out after a band of Ku-Klux.

By Mr. BECK:

Question. You said you never heard anything about the matter in that connection?

Answer. No, sir.

Question. The way you heard the story, the negro refused to give up his watch, and they killed him?

Answer. Yes, sir; he refused to give up his watch, and perhaps his knife and pistol, or something of that kind. Those cases I did not charge my mind with particularly, as I have before stated. I know we take privileges with negroes down there that we do not pretend to take with white people.

Question. Is not that done wherever you have been? Do you think a man in New York or Philadelphia will stand and argue with a negro as he will with a white man about a matter of business?

Answer. No, sir: I do not think he will.

Question. Do you think a white man will do it anywhere in America?

Answer. No, sir; I think a white man thinks he is better than a negro, and will take liberties with a negro that he would not take with a white man. There is no question about that.

Question. That is so universally?

Answer. Yes, sir.

Question. And, I suppose, in the State of Georgia, where the negroes were formerly slaves, the white people are, perhaps, more sensitive about that than they would be in States where the negroes have always been free?

Answer. Yes, sir, or equally as much so.

Question. Has it not been the habit of the negroes in your section, ever since they were free, to flock to the towns and villages, even when there was no trouble in the country? Has not this practice prevailed to an extent that has been, perhaps, very injurious to them and to the people of the towns?

Answer. I think there has been a good deal of disposition on the part of the negroes to go to the towns.

Question. And when they want to go to town, does it not take a very little excuse to induce them to go there?

Answer. Oh, yes; they can easily get an excuse. I think the negro likes towns better than he does the country, as a general thing.

Question. Did they not have a feeling (and perhaps they are not quite free from it yet) that when they had been raised in the country they were not fully assured of their freedom till they left the place where they had been living, and set up for themselves elsewhere?

Answer. Yes, sir; that was an idea that prevailed among them.

Question. Very generally?

Answer. Yes, sir; I think so.

Question. Have you not known many cases where negro servants, who seemed to be pretty well content at their old homes, were induced to go away by simply that feeling, a desire to assert their right? And were not the towns generally the places where they went?

Answer. Yes, sir; that is about correct.

Question. Was not a bad effect produced with regard to the sense of security among your people by a very liberal system of pardoning pursued by Governor Bullock? Was there not a good deal of complaint in regard to the manner in which he exercised the pardoning power?

Answer. No, sir; I never believed that Governor Bullock did wrong in that matter.

Question. I am not asking for your opinion; I am asking you whether there was not a general feeling of that sort pervading the community in which you lived?

Answer. Well, I heard some complaint of that sort, not much. I have heard some parties speak of it, saying that they thought he had exercised the pardoning power too far. But I have known the same parties to turn around and ask him in other cases to do the very same thing that they had been condemning.

Question. You think he generally found somebody to indorse petitions?

Answer. Oh, yes, sir.

Question. Such persons can be found in any case?

Answer. Yes, sir.

Question. Is it not the fact that the pardoning power was exercised very liberally, to say the least?

Answer. Do you want my opinion?

Question. Yes, sir.

Answer. My opinion is that Governor Bullock has not exercised the pardoning power any further than I should have done if I had been governor, so far as I know. I know that a great many negroes were convicted and sent to prison for very small offenses, and I believe he did right in pardoning them out, because they were sent to prison many times when they ought not to have been. There were some cases in which I aided myself in getting the negroes out, because I thought it was right; I thought the crime did not justify the sentence, and that was conceded by all parties.

Question. You were a member of the convention that framed your State constitution?

Answer. Yes, sir.

Question. Were you also appointed assistant superintendent of the Atlanta and Chattanooga Railroad—the State road?

Answer. No, sir; I never had any such appointment.

Question. Had you no connection with that road?

Answer. I acted as general agent for the road.

Question. Only that?

Answer. Yes, sir.

Question. You had no control over the management of it?

Answer. None at all, except such matters as were handed me to look at.

Question. You had nothing to do with the general superintendence of the road?

Answer. No, sir; I did not consider that my position; I did not take any oath or give any bond; I simply performed such service as was intrusted to me as agent.

By the CHAIRMAN, (Mr. POLAND:)

Question. It has been said by some people that there was great apprehension that the community would not be safe by reason of Governor Bullock pardoning so many bad men. Have you ever known a case where any person who was pardoned by Governor Bullock committed any other offense after coming out of prison?

Answer. I cannot think of any. I have known several that he pardoned, but I do not know of any offense they ever committed.

Question. So far as you have knowledge in reference to his exercising the pardoning power, you believe he did it rightfully?

Answer. That is my opinion. I do not know of a single case, so far as I have looked into the matter, where I did not approve of his action.

Question. Do you know of his ever exercising this power except where it was solicited by a great many people in the form of a petition?

Answer. It was generally in that way, I think.

Question. And these petitions showed the approval of the people of the vicinity and those who knew about the case?

Answer. Yes, sir.

Question. You think it was his custom to act in that way?

Answer. Yes, sir; that was his custom, I think.

WASHINGTON, D. C., *July* 12, 1871.

Z. B. HARGROVE sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you reside?

Answer. I reside at Rome, Georgia, in Floyd County.

Question. What is your occupation?

Answer. I am an attorney by profession.

Question. How long have you resided at Rome?

Answer. About twenty years; nearly twenty years.

Question. Are you a native of Georgia?

Answer. Yes, sir; I was born in Newton County, Georgia, near Covington.

Question. How long have you been in practice as an attorney?

Answer. About sixteen years, except during the interval of the war.

Question. Have you been in Rome all the time?

Answer. Yes, sir, except for a brief time when I was engaged in the mail service as mail agent, under Mr. Buchanan's administration.

Question. What were you during the war?

Answer. I was an officer in the confederate army for nearly two and a half years. I was a rebel, and a true one, I reckon, if there ever was one.

Question. Did you serve during the entire war?

Answer. Yes, sir, except the time I was confined to a sick-room.

Question. What have been your political opinions since the war?

Answer. My antecedents are all democratic, and it was a pleasure to me, when the presidential election was going on, to support Mr. Seymour and Mr. Blair. I was a reconstruction man, though that was rather in antagonism to my party. I was one of the executive committee of the county, and was vice-president of a democratic club, and most of the time acted as president of the club.

Question. Do you hold any official position in Georgia now?

Answer. No, sir; none whatever. I was once elected to the legislature from my county, and I have been twice elected mayor of my city, a small town of some six or seven thousand inhabitants.

Question. You do not now hold any official position?

Answer. No, sir; not now.

Question. The particular subject that this committee wish to inquire about, or that we were directed to inquire about, is in regard to the condition of the communities in the late insurrectionary States; to ascertain how far person and property are there secure; whether the laws are properly enforced, especially the laws against crime; whether offenses are committed, and, if committed, whether those offenses are properly prosecuted and punished, or, if not, what are the obstacles in the way of doing so; and especially we wish to inquire into the fact whether any offenses are committed by bodies of disguised men going about the country. Whatever you may know in refer-

ence to that, (I have stated the general purpose and object of our inquiry,) you will now state—any facts that are within your knowledge or observation bearing upon that subject.

Answer. I can state some facts, both within my own knowledge and from information which is reliable. It may be proper for me to state to the committee that a short time before the war was closed there was in my immediate section of country a considerable degree of lawlessness and violence, mostly perpetrated upon Union men by men who were in the confederate service and those who had left it and had banded themselves together. The Union element of the country was unsafe; many of the people were hung, many of them were shot at their homes, because of their attachment to the Union. I myself was an officer in command of a battalion of cavalry stationed where I live. I deprecated these acts of violence on the part of those men, and undertook to prevent them, and to some extent I incurred their displeasure, which has followed me from that time to this. While I was a rebel I tried to be a conscientious one; I did not feel disposed to perpetrate acts of violence on Union citizens. It was my pleasure to protect and shield some of them from violence, and I did it during the war. One of them, I think, will testify before this committee before he leaves you, I hope. I refer to Judge Wright, who is a thorough Union man, and a good man. I differ with him, though, very widely about many things. Since the war the feeling has been still very bitter against this Union element in some instances, especially those who have espoused the reconstruction cause. It has been very bitter against reconstruction men, particularly so against myself. One great cause, I think, for the persecution of the reconstruction men and the republicans is this: There is in that country now, as there was before the war, a class of men who are bitterly opposed to the colored people, and to whom the colored people are bitterly opposed. Since the war, that feeling on the part of the non-slaveholders toward the negroes has been worse, mostly confined to that element, for most of the negroes were republicans. The shrewd, smart, cunning men of the country among the democratic masses took advantage of that feeling. While they probably would not countenance any direct, open assassination, nevertheless they took advantage of the prejudice of this class of men against the colored people and against the republicans, most of the colored men being republicans, and fanned their passions and kept them alive against the colored people and that portion of the white people who acted with the republicans. By this means they placed themselves at the head of it, in order that they might place themselves in a position of opposition to the government of the country. In many instances that has been done. I do not say it has been done there in all instances; but I do believe it has been generally so. Many of them advised the most respectable portion of the community, as they took unto themselves all the decency of the country, the non-reconstruction men, or the non-action men, as they call them in that State, to keep away from the polls and not to vote in the elections, to permit the carpet-baggers and scalawags, the negroes and radicals, to take the government and run it. I advised a different course, and during that election for a constitutional convention I came in conflict with those non-reconstruction men, who were then engaged in open acts of violence toward many. They made many threats, and many acts of violence were committed during that election, as was reported through the press of the country, and through private sources that did not find their way into the press, and many that will never find their way out, because it was not generally known. During the last election ——

Question. When was that?

Answer. That was the election for members of the legislature. That comes immediately within my own knowledge, for then I came in direct conflict with these lawless men, more or less, because then I espoused the republican cause; that was some few months since. I, with some few other men who had been acting with the democratic party up to that time, concluded that we would act with it no longer if it was to be governed by such men as those. I was willing to leave the race of life free and open to all; I counseled submission to the powers that rule the Government. At that time there came to my immediate city, and in the neighborhood, a band of men in disguise, some twenty in number. This was after the election. They shot a colored man in the suburbs of the city, very severely beat another, and also beat the wife of the colored man whom they shot, and who was a bright-colored woman. Is it desired that I should give names and dates?

Question. Give the names as nearly as you can.

Answer. The name of the colored man who was shot was Joe Kennedy, and the name of the colored man who was beaten was Jourdan Ware. In justice to those men, if there can be any palliation of their crimes, I will say that the reason they gave for beating Jourdan Ware was that he had made some insulting remark to a white lady—a lady with whom I am well acquainted. Previous to that time he had borne the reputation of being an humble and obedient negro. He had a little farm, and was doing well, and was comfortable, though in a neighborhood surrounded by the poorer class of white people, who did not like his residence there. He may or may not have made some insulting remark to a white lady; I do not say whether he did or did not, though, from my knowledge of him, my opinion is that he did not.

Question. Let me understand the character of the allegation against him. You say that he made some insulting proposal to a white lady?

Answer. O, no; that he had just made some insulting remark. He remarked, "How d'ye, sis," or something of that kind, as the young lady passed down the road. She was a sister of the lady of whom he had rented the place on which he was living. He was driven away from his home, and came very near being killed. The charge they had against Joe Kennedy was that he had married this mulatto girl, and they did not intend he should marry so white a woman as she was; and they beat her also for marrying so black a negro as he was. They told me that these men stated that they had such charges against them. They also stated in that neighborhood, as they went along home, that that was what they did it for.

Question. Did you know Kennedy?

Answer. I know the boy; I put him to work on the police force at Rome while I was mayor of the city. He has as good a reputation as anybody there. I saw this party as they went out of town. They came groaning through the streets of the city of Rome, and I heard them; I was sitting by my stove; it was the 6th of February, I think; I did not get up as I heard them going down.

By Mr. COBURN:

Question. What time of the night was that?

Answer. I think it was about 12 o'clock at night. As they came back, I raised my window and looked out and saw them as they passed the corner. I heard some one inquire who they were, and the reply was that they were some of the Ku-Klux. I was a little uneasy, for I had been notified by some friends that I had better be watchful and careful. I was not so uneasy about myself, because I generally keep myself provided with fire-arms, and I did not think they would really attack me in my own house. They did no act of violence in the city except to draw their weapons on some men.

By the CHAIRMAN, (Mr. POLAND:)

Question. From what you could see of them, what was their appearance?

Answer. The night was dark, and they all looked black to me.

Question. Were they on horseback?

Answer. Yes, sir. I did not go out at all, for I did not want to get into any *mêlée* with them. They knew the opinion I had of them, for I had denounced them frequently in my speeches there. A short time before that, just preceding the election, some forty in number disguised themselves and rode around to the different farms where there were a great many colored people, and some white people; this was stated to me both by the whites and the blacks, and both before and since the election. They went there and notified them, both in writing and verbally, that they must not leave their homes on the day of election; that if they did they would suffer a very severe penalty. Some of them were very severely whipped; two of them showed themselves to me with their backs very much lacerated. They were colored men, and their names were William Garrett and William Bradham. Those two were whipped after the election, as they said, for being almost too smart; they were smart and shrewd boys; one of them could read and write very well. A great many of them did not go to the election. There were some eight hundred and fifty colored registered voters, and some five hundred white persons, who acted with the republican party; and about seven or eight hundred of them did not vote in the election at all. However, I do not make any particular complaint of that; all things are fair in elections as in war, and if they could beat me in an election, all right. But I was opposed to their committing these acts of violence. I have no complaint to allege against the Ku-Klux organization as a Ku-Klux organization, if they will not commit acts of violence. If it is a political organization, and can carry its row upon fair and legitimate terms, I do not oppose it; but I do oppose this violence and bloodshed. There is now, or was up to a very few days ago, a band of disguised men who were going around through the country.

Question. Perhaps you had better keep on in that connection and state all the acts of violence that have come to your knowledge, if you have not already done so.

Answer. Well, there was a colored man that they whipped within four miles of the city of Rome, whose name I have forgotten. He lives on the plantation of one Mr. Bryant. Then there was one there, I believe, by the name of Patrick King, who was very severely beaten by them; and another by the name of Hilliard Johnson. Some women were badly abused by them; their names, if I remember correctly, were Adelia Horton, Anna Bryant, and one other girl whose name I really have forgotten; they were violated by these same men, as testified to by parties who saw the act committed.

Question. Do you mean that they committed rape upon them?

Answer. Yes, sir. Now, I do not believe that the Ku-Klux organization as a body would subscribe to such a thing as that. But it is well known to them that where there are so many men together such things will be done, as it used to be during the rebellion; sometimes half a dozen bad men would slip out of a company and commit

some crimes that would attach to the whole brigade or regiment. I believe there were some clever men in the Ku-Klux organization, who fostered it for its political effect, but who would have no intention to countenance any crime of assassination or murder. There are some two or three whites who have been very badly used in my immediate county, whose names I have forgotten. As to the adjoining counties, I do not know of my personal knowledge; I only know from high democratic sources what has been done by these men, all of which you will get from other witnesses who will testify here, and who are more familiar with the facts than I am myself.

Question. Perhaps you may as well state, in a general way, such transactions as have come to your knowledge from credible sources.

Answer. I have it from information that nobody will controvert at all. It will be necessary for me to state that a short time ago, about the same time these outrages were perpetrated in Floyd County, an outrage was committed on the plantation of one Mr. Foster, whom I have known for years, a democrat and a clever man. He had employed a number of colored people on his place, among whom was an old man by the name of Ellison. Some men went there to see him during the day, while he was plowing in the field, and tried to get him to enter into an agreement with them against the Ku-Klux. He told them that he did not like to have anything to do with anything away from home. Those men went to him without disguises. They finally prevailed on him to give them some feed for their horses, which he did. He said on his death-bed that he told them he had not voted at any election, that he did not think he had any chance in the country, and all he wanted to do was to make a living for himself, wife, and children. Some two nights afterwards they went back in disguise, some fifteen or sixteen of them, and called him out to the gate. He saw that they wanted to do some violence to him, and he broke and got away from them, and was about getting into the woods when he fell down. Before he could get up and go away they struck him over the head three blows with a saber and cut him to the brain, and then they went back to his house. After a time he got up and undertook to get back to the house by creeping along holding to the fence; as he turned the corner he was met by them, and they shot him in both arms and in both breasts. Mr. Foster came out and took him up and carried him into the cabin; he told him the facts that I have related; that the men had been there before and made this request of him, and that he told them he did not intend to leave home and go anywhere; that he did not like the Ku-Klux, was opposed to their movements, and did not intend to go away from home. Mr. Foster and his two sons, both of whom had been in the army, one as lieutenant colonel and one as colonel, and one of whom is now deputy sheriff in my county, were very much excited over this, and the deputy sheriff went over there to assist in bringing these men to justice. The parties who had perpetrated this crime got very uneasy, and they sent over to the officer in command of the Wells' Valley den to come over and assist them to coerce old man Foster and make him be quiet; that he was about to expose them for killing an old negro. The officer did not go, but a few days afterwards sent down word to that den that he had been informed they had gone out on that occasion without orders, and had killed this old negro man, and they must take care of themselves; that they would not bother old Mr. Foster about it at all. I got this information from Mr. Green Foster, a son of the old man, and who is the deputy sheriff of my county; he was a colonel in the confederate army, and is a high-toned gentleman. He says that the senator from my immediate district, who was over there about this time, sent word to Mr. Kinchin Foster, that this man who was in command of the den which had committed this crime, had gone out without orders from the commander, and if he went out any more in that way they would have him executed. Mr. Foster told me that this senator told him so, they both being in the same party together. A few days before I left home, and the same day I got the dispatch to come here, I received a dispatch from the sheriff of my county stating that Mr. Green Foster had been notified in writing that he must leave there; that he had been threatened by the order because he was opposed to these acts of violence by these men, and was coöperating with me in suppressing it. I had fourteen warrants sworn out against parties whose names I had given to me by a member of the Klan, and was trying to have them arrested and see if I could not break up their acts of violence in Floyd County. It has so disturbed the labor of the county that a great many good men had gone off; and I thought I would see if I could not have it broken up. I got the governor to offer rewards for their arrest, for democrats, like mean republicans, as they call them, might be led to take a consideration for the arrest of criminals. We got after these parties, and they are now out away from their homes. I put these warrants in the hands of Colonel Foster; I got the names of these parties from a member of the Klan myself, with whom I was on friendly relations. Mr. Foster wanted me to get the United States authorities in Atlanta to send some assistance to him, and I went to see the marshal; but he said he did not know what could be done. In the mean time, I left home with the matter in that shape. I am very anxious on that account to go back home, as my own safety, and that of some of my friends, is involved in it. Inasmuch as there has been a great deal of abuse of Governor Bullock in refer-

ence to offering these rewards, it may be well that I should state some facts to the committee to show why the rewards should have been offered, though I have thought perhaps they might be too high rewards. It was thought that if we could influence some prominent members of the democratic party in the county by the hope of getting these rewards, we might be able to get the labor of the county somewhat settled. A great many colored men had run away and come into the city, and a great many of them were on the charges of some of us. I was requested to go and see the governor; I went to see him, and he asked me to make out a general statement of facts when I returned home, and to embody them in the shape of a proclamation, which I did, and sent to him. The proclamations offering rewards were based upon the statements furnished by me.

Question. Those rewards were offered for the arrest of the perpetrators of these crimes?

Answer. For the arrest of the perpetrators mentioned in the proclamations, which also mentioned the crimes.

Question. The reward was offered for the killing of the old man in Chattooga County?

Answer. Yes, sir; and for some other acts reported to me. Through that means I hoped, and I was honest and faithful in the effort, upon the advice of some of the best citizens of my county, that we should break up the operations of these lawless men. I do not know whether they are Ku-Klux or not, but they are men going around in disguise, and perpetrating outrages, and always on republicans; or if on anybody else, I do not know it. There are some bad men in the republican party who commit acts which I do not subscribe to; but in not a single instance in my county have I known any democrat to be injured, unless it was an old man, by the name of Borden, by two negroes of my county, upon the highway, but not in disguise; and they are now in jail, and will be tried and convicted. There have been some few little thefts perpetrated in my county, and in all the cases there have been prosecutions and convictions before the courts. But in none of these cases of outrages committed by bands of disguised men in my county have there been any arrests made. They have been committed mostly upon the defenseless and unprotected, and upon republicans. I do not know whether it is because they are republicans that they are abused and outraged in this way, but in many cases they tell me that they are told it is because they are republicans and vote the republican ticket; and I have some good grounds to think that it is true and correct. That may be one way of carrying an election; I have no objection to their carrying an election in that way, if they can, but I want the perpetrators of the crimes punished.

Question. In relation to this particular case, the governor did offer a reward for the arrest of the perpetrators?

Answer. Yes, sir.

Question. Has anybody been arrested?

Answer. No, sir, there has been no one arrested; they have not been able to make any arrests. I will state to the committee—and it is in strict confidence, and I hope it will not be mentioned to any other witness, as it will very likely interfere with the ends of justice in my county—that one of these parties has been arrested, whom I propose to use to arrest the others. He is under a bond for his appearance at court, and will be convicted of the crime with which he stands charged. He himself says that he did not have any hand in perpetrating some of the most outrageous crimes, and that he counseled and advised against it. He is one of this party of fifteen men. The last outrage was perpetrated only a short time since. Of the others we have not been able to make any arrest.

Question. Are you speaking now of the killing of old man Ellison?

Answer. No, sir; I am speaking of the crimes perpetrated since then.

Question. Were any parties arrested who were concerned in killing old man Ellison?

Answer. No, sir; and they are afraid to make any move. Old man Foster told me himself that his life would not be worth a cent if he undertook to do it, though he says he knows the parties. Colonel Foster went over there to make the arrests, and he told me that his father and brother told him that it would not do. We had agreed together to put our lives in the scale and break it up, he a democrat and I a republican. I do not intend to flinch in it; I am going to see that they are broken up in my county, if it can be done by any fair means. If I am satisfied the government of the State and the Federal Government will not give us aid, I intend to organize a counter Klan, and when they kill one of us, I will kill two of them. I have told them so in speeches there, and I will tell them so again when I go back. I have not slept in peace in my room for months; I have kept two double-barreled guns at my side and a repeater under my pillow. I have come in contact with these men, and they have felt my hand to some extent; they know if they come about the house where I am they cannot get access to me without some of them being hurt. I have been anticipating it for some time past, and I fear it now more than before, because I am engaged in prosecuting these men. Colonel Foster and myself had agreed, and we intend to stand agreed, to

prosecute these men, and have them arrested if we can do it. They have openly proclaimed resistance, and, as I have been informed, they have had two or three councils since, and sworn to resist. The sympathies of a large majority of the people are with them in their intimidation of the republicans from voting and in whipping them. I do not think that some of the best ones among them would absolutely countenance and aid murder, assassination, robbery, and things of that kind. But a great majority of them do not feel disposed to break them up, because they see it keeps the republicans away from the polls, and that is a great thing with this organization.

Question. You spoke of the last outrage that had been committed there; what was that?

Answer. That was going around and whipping a great many colored men, driving them away from their homes, breaking up their little farming operations, taking their horses away, &c.

Question. How long ago was that?

Answer. That was about three months ago. I have been, I think, some two or three months engaged in finding out who they were; it was only two or three weeks ago that I got out warrants against them.

Question. Was this all done in one night?

Answer. Yes, sir.

Question. In the immediate vicinity of Rome?

Answer. It was some eight or ten miles from the city.

Question. Were these persons who were taken out and whipped on that occasion colored?

Answer. All except two; and they were not whipped, but otherwise ill-used; those two were one gentleman and one lady.

Question. They were not beaten?

Answer. No, sir; they were not beaten as the colored people were beaten, but were abused in one way and another.

Question. Did you understand that they gave any reason for doing that?

Answer. None, except that they had no particular business in the country. I think they wanted to go out generally and make a little raid on them for their guns and pistols, and finally drive them away from the country.

Question. Did they take away their arms?

Answer. Yes, sir; they took their guns and took their money.

Question. How has it been on these various occasions when they have been out on expeditions against colored people; have they taken away their guns?

Answer. Yes, sir; and on some occasions they have taken other property; they took from Jourdan Ware a valuable gold watch and some money.

Question. Mr. Forsyth, from your county, spoke of having succeeded in convicting three men?

Answer. That was in Chattooga County. One of the men was named Payton, another was named Epps, and another was named Kelley. Mr. Epps was a man whom the Ku-Klux had taken out of the calaboose. About one hundred and fifty went to Mr. Allgood's calaboose in disguise, and released him. Mr. Allgood has a large factory there; and my brother was there the night it was done. He has been there on three occasions when they have been there in disguise. My brother is a very violent democrat.

Question. We have heard something from Mr. Forsyth in relation to the reward offered by the governor in that case.

Answer. I mentioned a proclamation of reward by the governor; that was another proclamation that I myself arranged, furnishing the dates, and a statment of the crimes perpetrated.

Question. You were instrumental in procuring that reward to be offered?

Answer. Yes, sir; I did not know how large a reward he would offer, but I requested him to offer a reward. It may or it may not be too large; I do not disagree with him in that particular.

Question. In the other case where the governor offered a reward, you say that nobody has yet been arrested?

Answer. No, sir; and it requires a conviction before any reward can be paid. I so worded it myself, in order to prevent any unfair means being taken of the governor; I told him that I desired to put it in that shape. Those men who broke Epps out of the calaboose at Allgood's—he stated to me who the parties were that broke him out—I intend to have arrested. He said he was a member of their organization, and gave me their grip, pass-word, and countersign; and Mr. Payton also told me the same thing. They told me this at different times, neither of them knowing that the other had given the names of the same men.

Question. You have given us to some extent your idea as to how this order started. What information have you in relation to its form of organization, and as to how extensive it is?

Answer. I know nothing at all except its acts; I know nothing at all about its inside movements and operations. I see the victims of their wrath.

Question. You spoke of some information that you got from this man who was taken out of the calaboose.

Answer. He only gave me their grip, pass-word, and countersign, told me about what they had done, what disguise they wore, as did Payton. The reason I have faith in their statements is that they made the statement at different times, gave the names of the same parties who had aided in breaking this man out of the calaboose, neither knowing what the other had said.

Question. Their information corresponded?

Answer. Yes, sir; and neither one knew what the other had said to me, or that he had stated to me anything about it, because they were separated.

Question. And you did not get any information from either of them as to the particular mode of the organization, or as to how the order was officered, &c.?

Answer. No, sir; only that they intended to keep the negroes from voting, to whip them, to clean them out, and keep them from taking any part in the elections; that was their first intention. There have been a great many outrages committed which I do not think were intended by the organization as an organization; but it is done by the worst element in it. Some of the organization may swear it is not done by the organization; they do not know who did it, for a half dozen men out of fifty men might conspire together and go and commit a murder, and the others need not know anything about it.

Question. You think that among the better portion of those who belong to it, it is intended to produce merely a political effect?

Answer. That is all.

Question. Do you think, from the fact that such is its purpose and object, that those men are led not to interfere against this organization, even when it does these wrongful, outrageous acts?

Answer. I have no doubt they sympathize with them. I could give you some positive testimony on that point.

Question. State any facts you know bearing upon that.

Answer. Well, a very short time ago a colored man by the name of Wash Calhoun was working in the rolling-mill at Rome. Three parties came into Rome inquiring of some persons there if they could tell them where he lived, where he went to at night. They finally succeeded in finding out where he lived, and went and stationed themselves on the corner, so as to be ready for him as he went by. As he went home, about 8 o'clock at night, these three men shot him five times. They did not kill him, however, for he is alive now; they crippled and ruined him for life. He sent for me as soon as he could, but I was very busy, having to leave the city, and did not go to see him. When I came back he was able to be brought to town to see me. He told me that he had married a bright mulatto girl, whom one of these men who had shot him had been keeping as his mistress, and that he knew of no other reason for their shooting him. There were true bills found against three of these parties, two of whom have been acquitted. Some of the prominent members of the democratic party, and generally believed to be identified with the organization, came up and went on their bonds. One of those men has never been captured, but has been advised by his counsel to keep away, that it would not be so easy for him to get clear as it was for the other two.

Question. Were the men who committed the act in disguise?

Answer. They were not in disguise when they were going up there, or very slightly disguised, if at all. They stated at the court that they could prove by twenty men that they were not in Rome at all; but they would not introduce any testimony, but just gave bond. When the case was tried I do not think there was a doubt upon the mind of a single member of the court that they knew all about the murder. I do not think their counsel thinks that one of them had anything to do with the direct assassination, but I am satisfied from his statements to me that he knew all about it, and that one of the parties against whom warrants were out was the party who did the work. Well, they say it is only a damned nigger killed, and it does not make any difference; that is the way they talk among the more ignorant.

Question. Did these two men who were acquitted get up an *alibi*?

Answer. They proved an *alibi;* but there is no doubt they were in the city a few minutes before the shooting occurred; but they proved that they were not there when the shooting occurred. These men live in the country and are sons of respectable farmers in the country. Of course when they come to town they are taken by the hand by a great many men who we all know are very violently opposed to the republican party; they secured bonds at once, and were released, and finally got clear. One of the same party has not yet been tried.

Question. He has not been arrested?

Answer. No, sir; but he is there in the neighborhood.

Question. Is he in the vicinity there?

Answer. O, yes; I have seen him twenty times, I reckon. Well, that is one case. I have no doubt in my own mind but what the sympathy of that particular element is with them. There are a great many good men in the party who I have no doubt would

be glad to see the law executed; but of that particular under-class the great majority sympathize with these parties.

Question. Let me inquire whether there has been in all this class of cases in your county, where disguised men have gone out in bands and perpetrated any of these acts, anybody yet prosecuted for any of those acts?

Answer. No, sir; none at all.

Question. Nobody has been arrested?

Answer. None, and no effort made to arrest any except these men I am trying now to have arrested. I am the only man who has sworn out a warrant against them. I have been working for six long months to get into it, and I have succeeded in doing so. I should not have made that statement, though it may go as it is. I have made up my mind to fight them; I am going to demand of my personal friends to stand by me, and I will see whether they go for peace and order or whether for cut-throats or vagabonds.

Question. In your judgment, is the difficulty of apprehending and bringing these men to punishment in any considerable degree increased by this sympathy in their favor?

Answer. In some instances it is, and in others the difficulty is from fear of being assassinated.

Question. You think that the difficulty in ferreting out and prosecuting these men is to some extent in consequence of the sympathy with them?

Answer. There is no doubt about that; none in the world.

Question. And you say that another great obstacle also in the way of finding them out and bringing them to punishment is the fear which the people have of them?

Answer. Yes, sir; I have been given facts by parties who have exacted from me a faithful promise not to give their names, for their lives would not be worth a cent to them in the neighborhood where they lived if it was known.

Question. They are afraid to be witnesses if they know anything?

Answer. They are not going to be; they know facts, but will not testify to them. One of the witnesses who testified in court told me a very different story; in other words, he did not testify to what he told me.

Question. You think this fear of being visited and punished by these bands of disguised men prevents people from either prosecuting them or testifying against them?

Answer. There is no sensible-minded man in my country who doubts that for a moment; it is a matter that is known to every one; in fact, it is plain to all of them. In my opinion, that is one great reason which prevents good men from coming up and prosecuting these men. The majority is so large against them, and they are so firmly united together by the perpetration of common crimes, that these people who know what they have done feel certain they will drive them away from their homes and perpetrate outrages upon them if they tell what they know.

Question. Have you heard of similar operations in other counties or in other parts of the State?

Answer. In Bartow County, in Polk County, in Chattooga, Walker, Murray, Gordon, and Dade Counties, and in some other counties down in the country below Atlanta, these things have taken place. I presume you will have other witnesses who can give you very important facts in regard to them.

Question. I wish to inquire generally over how much of your State does this thing seem to extend, or is it all over the State?

Answer. I think probably there are many counties where there have been no crimes of this kind perpetrated.

Question. In all the counties about you does this state of things to a greater or less extent exist?

Answer. Not so much in Cass County as it is in Polk, Floyd, Chattooga, Walker, Murray, and Gordon Counties.

Question. Does their plan of operations seem to be the same everywhere you have heard of them?

Answer. Yes, sir; about the same.

Question. From what you have seen of the operations of these bands and the similarity of their mode of doing these things, what is your idea in relation to the extent of the organization?

Answer. My opinion is that, as a political organization, at one time it ramified a considerable extent of territory; that is my opinion from coming in contact with people from different parts of the State of Georgia. I do not think the fact will be controverted that it was used as a political organization along in the election for governor, and in the recent election for members of the legislature, to a greater or less extent. Nobody can find any particular complaint or objection to that; I do not, if they do not go to killing people. I had no objection to the Know-Nothings when they were a secret political organization, though, of course, I opposed their politics very bitterly.

Question. Do you mean to say you do not oppose the organization in its murdering people?

Answer. No, sir, I am opposed to that. I say if they confine themselves within rea-

sonable limits, and do not violate the law, I am not opposed to them; but that, I think, is a violation of law, and an outrage upon the rights of a free people.

Question. Your idea is that the general purpose of the organization is to prevent people from voting, especially the colored people?

Answer. Yes, sir, there is no doubt about it in my county; and I presume what transpired in my own immediate county was the same as that which transpired in every other place where they had any existence at all. There was not so much necessity for it in some localities as in others.

Question. You think it answered the purpose well?

Answer. Yes, sir, there is no doubt about that.

Question. Does it have the effect of intimidating colored people and preventing them from voting?

Answer. Not only colored people, but a great many good white men. I could give you the names of some of the best men in my county who were absolutely afraid to go to the election. They would testify so, but it is not necessary to have them here at all. I do not think any good, clever man in my county can controvert that point at all.

Question. Does this fear of evil consequences from going to the polls to vote apply to both sides? Is anybody there afraid to go and vote the democratic ticket?

Answer. You hear in one or two instances where they have got into a *mêlée*, and where the one party has driven the other from the polls; but it is generally commenced by so-called democrats, though I do not think they are very good democrats; not my sort, and I have always been one.

Question. You say there is no general feeling of intimidation which would prevent the people from voting the democratic ticket?

Answer. O, no; they have no trouble, none at all.

Question. But you say that the operations of these bands of disguised men do have the effect of deterring the republicans, both white and black, from going to the polls to vote?

Answer. There is no doubt about that fact, none in the world; it is as plain as the sun in the heavens. The most timid ones among them are not going out and come in contact with the violent rabble.

Question. Have the colored people expressed that fear to you?

Answer. Not in many cases to me, but I have no doubt it is true not only with regard to colored men but white men. I tell you that some of the best men in my county, good, humble farmers, are afraid to vote.

Question. You say this has had a very bad effect upon the labor of the country?

Answer. Yes, sir; it has pretty nearly devastated one section of my country.

Question. Do the colored people leave the country and go into the towns in consequence of that?

Answer. Yes, sir.

Question. Have you known instances of that?

Answer. Yes, sir.

Question. Does it prevail to any considerable extent?

Answer. I can give you the names of three or four parties who have left their farms. There is a Methodist preacher by the name of ——— Well, I know his name very well, but I cannot call it right now; I will think of it after a while. Some of these people, named Taylor, Ware, Johnson, came into town and left their places, their little crops of wheat, because they were driven away. And in Chattooga County I think some seventeen or eighteen in different squads had to flee and get away for their lives. I think that was done for a different purpose than a political purpose, though that may have been one of the purposes; but there was another purpose that conspired with it.

Question. I do not refer to instances where men have been driven off pieces of land that somebody else wanted; I refer to cases where the acts of these lawless bands have driven them away from their homes.

Answer. I have given the names of some of these parties; one of them killed a Ku-Klux, and they have been after him ever since; they have been at Rome two or three times.

Question. Was he driven away from his place, do you think?

Answer. I know it.

Question. Was he attacked by a band of them?

Answer. Yes, sir; they went to his house and very severely ill-used him and his wife; he shot one of them and killed him.

Question. Did it turn out who that man was who was killed?

Answer. I say he killed him; I know he shot him; I will not say positively that he is dead, but he was very severely shot, and I believe he did kill him

Question. Where was that?

Answer. That was in Chattooga County, twenty miles from Rome.

Question. When was it?

Answer. It was some time last year. In numbers of cases they have been driven away

from their little homes in the country. This Methodist minister I referred to had quite a little interesting family, quite a comfortable home; but he has just had to leave it all, and it has almost ruined him. He has been to my office, I reckon, twenty times, trying to get me to put on foot some way that will enable him to get his living honestly.

Question. Was he attacked by a band of these disguised men?

Answer. Yes, sir; driven away from home.

Question. Was there any charge against him?

Answer. No, sir, except that he was preaching to the colored people; telling them too much; he was a republican. If he has ever done anything, I have never heard of it; he may have been guilty of some great crime; but, if so, I have not heard of it, and I do not believe it. A great many would-be decent fellows make a great fuss about republicans being in favor of negro equality. That is one thing they do not intend to have; no negro equality about it at all. They very severely beat this boy that I spoke of because they said he married too white a woman.

Question. Do you think this conduct toward the colored people is really designed to prevent them from exercising the right of suffrage?

Answer. I do not reckon there has been anybody here that has denied that, has there?

Question. You have not heard all we have.

Answer. I do not reckon there is a sound-minded man in the State of Georgia who does not know that that was what it was intended for when it was originally started as a political organization.

Question. It was intended to neutralize the right of suffrage given to the colored people?

Answer. Why, of course; they intended to control the elections through intimidating the republicans in Georgia, so far as the Georgia elections are concerned; I mean in those elections which have just transpired in the State; that is, where we had any operations of the organization at all.

WASHINGTON, D. C., *July* 13, 1871.

Z. B. HARGROVE. Examination continued.

By Mr. COBURN:

Question. Will you state to the committee what pretexts or excuses are offered for this organization, if any?

Answer. Well, there are some excuses given by some of these parties.

Question. Testimony has been given here that they have been excused on the ground of negro outlawry, and thieving, and robbing of white men; on the ground of dangers to the white people, and things of that kind. State whether such excuses are given for the organization.

Answer. Yes; that may sometimes lead these parties to visit punishment upon the negro; that may have its influence on the unthinking portion of the community.

Question. The question is, whether these things are offered as excuses or pretexts for this organization?

Answer. I say they sometimes are, though a large number of the punishments are inflicted on mere hatched-up pretexts; I mean those punishments that are inflicted by the meanest ones among them.

Question. Testimony has been given in relation to the great objection the people have to social equality with the whites. Has that any influence on the minds of the people in organizing these societies?

Answer. There is no sensible man in my State that regards that question at all; they consider it as preposterous. The idea of social equality with the negroes they do not fear at all.

Question. Do the negroes assert social equality with the whites?

Answer. No, not in the least. In my section of the State they are very humble and very obedient. Occasionally there is now and then a turbulent and violent negro, as there was before the war.

Question. Do they make any attempt to intermarry and mix with the whites?

Answer. I believe in one or two instances white women have married colored men; that is all a question of taste.

Question. Is it a rule, or do they, as a rule, confine themselves to their own color?

Answer. Yes. Some poor, outcast, abandoned woman will sometimes marry a colored man for the aid and assistance that he can give her; but these are very rare occurrences.

Question. Is there any ground to fear miscegenation with the colored race?

Answer. No, sir; it is all on the other foot.

Question. What do you mean by the other foot?

Answer. I mean that colored women have a great deal more to fear from white men.

Question. Is it very disreputable for a white man to become the parent of colored children?

Answer. There are frequent instances in which white men, both democrats and republicans, are fathers of mulatto children. I do not think that the upright and clear-thinking portion of the community would consider it very reputable conduct for a gentleman who made any pretensions to gentility. I know some one or two instances where men who hold prominent and high positions have got mulatto children, but they are generally democrats; sometimes there may be a republican guilty of the same offense. I do not think it is confined to any one particular party.

Question. Something has been said about the origin of Ku-Klux, about its being descended from the old patrol system, as a means of guarding society from outlawry?

Answer. I think that probably the Ku-Klux organization in its inception and birth—well, I do not know if it may not be considered as true that it was intended to prevent any violent outbreaks among the colored people if any should be intended. That was so in the State of Tennessee, as I have heard it stated by Tennesseeans who came to my town. But it was afterward seized hold of as a political machine, and then these great crimes and outrages were perpetrated upon the colored people in many instances without any provocation whatever, except to prevent them from exercising their right at the ballot-box. That is a fact that I do not think any well-disposed thinking man will attempt to controvert at all; the occurrences are too frequent and flagrant.

Question. Do you hear any justification or defense of these outrages or of this organization?

Answer. Well, I do not think there can be any excuse whatever.

Question. Do your papers defend them, or does the public defend them, and, if so, how?

Answer. Yes, sir; our papers, in my immediate city, openly defend the operations of the Klan, saying that they are doing good service. You will frequently hear prominent men there say they do not intend to allow any negro equality in the country, and that this organization is to prevent that.

Question. Mention the names of the papers.

Answer. The Courier and the Commercial of Rome. They are very bitter in their denunciation of the Ku-Klux bill passed by Congress. I do not think the bill ever had any terrors for the law-abiding people of the country. I am not afraid of being punished under it. I think the great ground of opposition to the Ku-Klux bill was the fear that it would punish these men for their crimes, and really give the colored race some little fairer opportunity of having justice done them.

Question. You spoke of men being driven from the country into the town. Can you give the committee an idea of the number of them, or of the places from which they were driven, within your knowledge?

Answer. I was in Atlanta with a gentleman friend of mine, who is a wealthy planter of Alabama. He was there trying to get help to go down on his plantation. He was very angry, and I believe was buying some shot-guns. He said he was going to get his labor and go there, and he was going to put shot-guns into their hands to kill the Ku-Klux with; that they had driven the labor out of the country. He wanted me to aid him, and he said that he had found that the labor had been driven away from that section of the State also.

Question. Who was this man?

Answer. His name was Robert Thornton.

Question. Where does he live?

Answer. He lives in Cherokee County, Alabama, just over the line. He was very angry, and it was from him that I learned there had been a great many colored persons driven off in his part of the country. I then got to inquiring around about the matter, and I found that a great many persons had been driven off from the country there. I am in Atlanta as much as in Rome; I practice there as much as I do in Rome; I have an office there.

Question. You practice law in Atlanta?

Answer. Yes, sir; in some particular cases only; I am prosecuting some claims there before the railroad commission, some railroad settlements.

Question. Are these organized bands at work at present, riding about?

Answer. Not to my own knowledge. I have received a communication from Rome, stating that a few days before they had been at it again in the county adjoining mine—Chattooga County. It is a frequent occurrence there. I think they go around once or twice a week probably, and notify all the colored men that they must stay at home and keep at home.

Question. The simple question is whether, as a matter of fact, these organizations have ceased, or do they still continue?

Answer. I do not think they now ramify so considerable an extent of country as they did a month or two ago; there are not the same causes now. But just before the elections

there were frequent outrages; the outrages were more frequent then than they have been since.

Question. Have you any idea as to what would be the proper remedy for these evils and these disorders there?

Answer. I do not think with the present feeling in that particular section, of which I gave you some mention yesterday, they ever intend to live in any peace with the colored people in the South. Colonization of the colored people would be one remedy. Another remedy is an amendment to the Ku-Klux bill, and to have it strongly enforced. They can only know that they cannot violate the law by feeling the heavy hand of power. It has been a matter of great surprise, of painful surprise, that there should have been an effort, on the part of a portion of the democrats in Congress, at its last session, to deny the existence of these outrages. It is also a matter of surprise that the papers there should undertake to cover and shield these parties; it is weakening the democratic party very materially in my section.

Question. Is it only the democrats who desire to cover up these outrages?

Answer. A great many of them have tried to shield them; to deny the existence of these facts right in the face of them.

Question. Would not the more honest of the democrats there favor an investigation?

Answer. Well, a great many of them are opposed to the Ku-Klux bill, and then many of them are not opposed to it, because they are not afraid of being punished under it; they do not violate any law. But, as I said, it is a matter of painful surprise to that particular class of men who act with the democratic party, that there should be any democrat who undertook to deny the fact. I think if they had admitted the fact there would not have been that difficulty in the grand juries of our country which has divided the grand juries in my county. One of the grand juries reported the Ku-Klux, and condemned its operations. For that both of the papers there very bitterly denounced the grand jury, and said it was only an invitation to a radical Congress to pass a Ku-Klux bill and put the heavy hand of oppression upon them. The next grand jury reported adversely to that, right in the face of the fact that this Ku-Klux organization had been riding up and down the very streets of Rome with their pistols drawn.

Question. How are your grand juries composed?

Answer. Generally of very good men.

Question. Of what color are the jurors?

Answer. They are exclusively white. The laws of the State of Georgia require jurors to be the most respectable and intelligent citizens of the community. I have never seen any colored juror in the State; I do not seriously object to that, for I want to see good, sensible men upon the juries of the country.

By Mr. BECK:

Question. You live, I believe, in the same district with Mr. Burnett, who ran for Congress?

Answer. Yes, sir.

Question. Mr. Forsyth is your district attorney?

Answer. Yes, sir.

Question. And Mr. Sheibley is your postmaster?

Answer. Yes, sir.

Question. Are those men in possession of means of information as to the true condition of affairs in the district they represent, or counties in it.

Answer. Well, Mr. Burnett would probably not have so good an opportunity of knowing the true condition of things as Colonel Forsyth or Mr. Sheibley.

Question. Was not Mr. Burnett a candidate for Congress?

Answer. Yes, sir; he was.

Question. Was he not in most parts of his district?

Answer. I think he was during the canvass.

Question. Would he not necessarily have been thrown in contact with a large number of persons?

Answer. I suppose so.

Question. Would he not have a large amount of information?

Answer. I say he would not have so large an amount in my own county as the other gentlemen you have named, especially in my own immediate neighborhood. I only speak of matters that surround my own little home particularly.

Question. If he is a man of observation his means of information, with his experience, ought to be pretty large?

Answer. Yes, sir; he is a man of ordinary ability and observation.

Question. You speak about white men being the fathers of mulatto children; is that a peculiarity of Georgia?

Answer. No, sir; it is not confined to any particular State.

Question. Have you not for instance seen as many mulattoes in the State of New York as in Georgia?

Answer. I have only been in New York once, and that for but a short time. Do not understand me as saying that it is confined to any particular set of men. I say that both republicans and democrats all over the country have done the same thing, I reckon.

Question. You do not give that as any peculiar evidence of the demoralization of your people?

Answer. If it is, they have been demoralized a good many years.

Question. And the balance of the country has also been demoralized much in the same way?

Answer. I reckon; I do not know anything about it.

Question. You said that once in a while a white woman would marry a black man; that always gives offense to people in that region of country, does it not?

Answer. I think that is more or less wearing away; people are accommodating themselves more to the laws of the land. I speak of it as a question of taste.

Question. Has not that been in Georgia, as well as elsewhere, one thing that has always given dissatisfaction?

Answer. I believe that some who are not so charitable and liberal in their views as others have generally denounced it.

Question. You think the bulk of your people have not?

Answer. I do; I am willing myself to let it be a question of taste on both sides.

Question. Do I understand you correctly as saying that you think that the greatest amount of bitterness toward the colored people, and of opposition to the acknowledgment of their civil rights, is shown by the lower orders of your white people, who themselves have not been slaveholders.

Answer. I think the greatest degree of bitterness is felt by that class of people.

Question. Do I understand you to say that your papers, which you named, and other papers in your State, uphold the perpetrators of these outrages, and justify them?

Answer. Well, they have apologized for them.

Question. In what form?

Answer. Well, I think that you can very readily get hold of copies of both of these papers.

Question. But I cannot testify to them here.

Answer. I am satisfied that up to within a very short time they have been defending the Ku-Klux organization; they have been denying the existence of any such organization; they did it for a while. One of the editors of my town fell into the hands of the Ku-Klux organization, and they made him dance in the mud for half an hour. They took him for another individual. However, they apologized to him, and he afterward spoke very kindly of them in his paper, although they had drawn their guns on him. He told me this himself. The editor of the Commercial has written two or three very strong articles of advice to the Ku-Klux Klan, as well as in defense of them.

Question. Do you mean to say in defense of the acts of outrage?

Answer. He defends by way of denial.

Question. By denying them?

Answer. Yes, sir.

Question. Whether he believes them or not you do not know?

Answer. I am satisfied he believes them now.

Question. Are you satisfied he believed them at the time he was defending them?

Answer. I am on more intimate terms with one of them than with the other. Probably I may have gone too far; I might say that in my opinion he knew it.

Question. You gave as an evidence of the intense bitterness of those papers, and of their encouragement of the Ku-Klux Klan and its operations, their opposition to the Ku-Klux bill?

Answer. Yes, sir.

Question. You gave that as an evidence of their indorsing Ku-Klux operations?

Answer. No; I do not wish to be understood in that way.

Question. What did you mean by finding fault with them, as you evidently did, for opposing the Ku-Klux bill?

Answer. Well, I believe they did not desire it enforced against these parties who were whipping and scourging these people in the way I have mentioned; that was probably one ground of the opposition of some of these parties; only some of them I would say. I suppose there was opposition to the Ku-Klux bill on the part of many intelligent people, because they believed it was an infringement upon State rights.

Question. Do you not know that there were very many leading republican papers in the country that were bitterly opposed to the Ku-Klux bill?

Answer. I read the papers, and I know to some extent that is true. I only state that in my neighborhood the reason of the opposition on the part of that particular class of people was because it would probably give the colored people some little fairer showing before the courts of the country.

Question. I want to see if any paper in Georgia has said more against that bill than has been said by the republicans.

Answer. I am free to admit that there were a considerable number of republican papers that opposed the bill, and upon the ground that it interfered with and was an infringement upon State Rights.

Question. Do you not think that was a legitimate ground of objection to it?

Answer. Well, at one time I might have thought that it would be fair and legitimate; but this is an extraordinary occasion and we live in no ordinary times.

By Mr. BLAIR:

Question. Almost anybody would agree to that statement who lives under Bullock, I think.

Answer. I do not indorse all of Governor Bullock's acts. If you will interrogate me a little, I think I could probably give you some light on that subject which you have not got.

By Mr. BECK:

Question. Did you ever hear anybody use stronger language among your people or in your papers than this which I will read from the New York Evening Post:

"Freedom cannot exist under a centralized government. Take from the States those local and municipal powers and duties which the Constitution secures them, make the Federal courts police courts, the Federal marshals policemen, detectives, and spies; give the Federal Executive authority to interfere at his will, with soldiers or with his civil officers, in the internal affairs of the States, and you break down the only safeguards of liberty, and prepare the way for an imperial despot." * * * *

"Doubtless many men in Congress act in ignorance and out of motives of humanity and generous regard for those whom they believe to be weak and injured. But behind these stand other men whom no one imagines to be humanitarians, whom no one suspects to act in ignorance, who comprehend but too well the drift and meaning of the unconstitutional and centralizing legislation they urge, who are preparing revolution, fostering and increasing disorder, accustoming the people to violent measures and repressive legislation, to force bills and standing armies in time of peace, because thus their hidden plots of ambition can be realized, because every day which sees their ruinous policy continued brings nearer the time when they may snatch supreme power, crush liberty, destroy the safeguards of the Constitution, and make themselves masters of the nation.

"That is the real meaning of the Ku-Klux legislation. Its promoters are the enemies of the Union, the haters of liberty, the secret plotters of our ruin as a free people. They will not succeed, for the people cannot long be deceived. But it is for the republican leaders now to say whether they will cast off these evil guides, or whether, following them, they shall be overwhelmed in the same condemnation with them by an alarmed and indignant people."

Answer. I have no doubt that was his honest opinion.

Question. You have read that?

Answer. Yes, sir.

Question. Have you heard any stronger language used by any gentleman in your State than is used there?

Answer. No, sir; I do not know that I have. That others have not used as strong language does not do away with the fact; he does not indorse the Ku-Klux acts.

Question. In what way did the papers you refer to indorse their acts?

Answer. By strongly defending them.

Question. By defending their acts?

Answer. By defending the course of the Klan; they did not mention their outrages.

Question. If you want to say that your papers defended the outrages, say so; if not, say so.

Answer. I testified on yesterday that there was a large number of democrats——

Question. I am speaking of the papers of your town.

Answer. I will give it to you in a moment. I testified yesterday that a large number of the truest and best men we had in our town rather sympathized with this organization, in the object for which it was organized, and in occasionally ill-using the negro; but I do not believe they would openly advocate assassination. I believe these parties would defend the Ku-Klux for going out and whipping a negro; and if you will get their papers you will find it so.

Question. Whipping them for no cause whatever?

Answer. The papers said that one cause was that one of the negroes had used this saucy expression to a white lady, of which I told you yesterday; that was the ground upon which the paper defended that particular outrage. In regard to the other one, it made no excuse at all for his defense of them.

Question. You say it was a matter of painful surprise to democrats in your country that the democrats here opposed the Ku-Klux bill?

Answer. I said it was a matter of painful surprise to them that democrats here denied the existence of the organization and of their crimes in their opposition to the Ku-Klux bill.

Question. You say that many of your democrats are in favor of the Ku-Klux bill?

Answer. I think they are; that is my opinion; in others words, it has no terrors for them; they do not particularly fear it.

Question. Who of your democrats are in favor of the Ku-Klux bill? Give me the name of a democrat in the State of Georgia who is in favor of that bill.

Answer. I am not directly familiar with the sentiments of any except those with whom I associate.

Question. Give me the name of some respectable democrat who is in favor of the Ku-Klux bill.

Answer. I do not think Dr. Gregory, of my town, would be opposed to it.

Question. Have you heard him say that he favored it?

Answer. I have.

Question. Is he a democrat?

Answer. Yes, sir.

Question. He has always been a democrat?

Answer. Yes, sir.

Question. Is he a prominent citizen there?

Answer. He is the mayor of my town.

Question. He believes that the powers conferred in that bill are strictly constitutional?

Answer. No; neither do I; that is, not according to our old Constitution; but times have changed, and we simply agreed that we would not oppose the Ku-Klux bill, because it had no terrors for the law-abiding people of the country. We agreed that it was an extraordinary occasion; that there was so much violence in the land that it required some extraordinary remedy to reach the disease.

Question. You say that you do not believe it was constitutional according to the old Constitution?

Answer. Well, if we had the old Constitution as it was, there might have been some doubt about it.

Question. What I want to know is, what was the surprise of your democrats at the course of the democrats here?

Answer. The surprise was that the democrats here would deny the existence of this organization and of their acts.

Question. How long ago did you quit the democratic party?

Answer. I expect it quit me about eighteen months ago.

Question. O, it quit you, did it?

Answer. Yes, sir.

Question. In what form did it quit you?

Answer. It went into the hands of violent men, and, as I thought, it undertook to live by means of violence.

Question. It defeated you as candidate for mayor of Rome?

Answer. Yes, sir.

Question. It also defeated you as candidate for the legislature?

Answer. Yes, sir; but I suppose that was a foregone conclusion anyhow, for they knew I was opposed to them; that was all fair.

Question. You were a new convert to the new order of things?

Answer. I am a reconstruction man.

Question. You voted for Seymour and Blair?

Answer. Yes, sir.

Question. And obtained office at that time?

Answer. I obtained office as a reconstruction man, and I obtained it from Judge Wright's son, whom I bitterly opposed. I had backbone, and received support from prominent democrats, who afterward deserted me and went over to the side of the enemy, and left me where I agreed to stand.

Question. How came it that you got to writing proclamations for Governor Bullock?

Answer. I do not write the proclamations; I specified some particular outrages, gave him some definite facts, and requested him to issue proclamations in accordance with those specifications. I did it in order to interest parties that I thought would be willing, for a consideration, to do something to break up these gangs of Ku-Klux.

Question. Do you think anybody in your country has been more denunciatory of Governor Bullock, up to within the last eighteen months, than you were?

Answer. Have you ever heard that I denounced Governor Bullock?

Question. I never saw you until yesterday.

Answer. I have had my deep sympathy for Governor Bullock, and I have defended him upon the stump.

Question. For all his expenditures and acts?

Answer. No, sir.

Question. Have you not denounced them?

Answer. I denounce everything that is wrong. I expect Governor Bullock has got one of the strongest letters of denunciation from me that ever he got from any man in Georgia, in which I expressly declared that I did not agree with him in some of his measures, and that I should denounce them.

Question. You have privately written to him letters as denunciatory of some of his measures as any man in the State of Georgia?

Answer. I wrote him that I did not agree with him at all in them.

Question. I believe that you said that you wrote him letters as denunciatory as any from any other man?

Answer. I said that, while I felt kindly disposed toward him, I could not subscribe to some of his measures.

Question. Since you have become a republican, have your friends been applying to Governor Bullock for office, or anything of that sort?

Answer. I have never asked Governor Bullock to aid me in procuring any office only during the session of the legislature, when I said to several friends—republicans and democrats—that if a bill establishing a district court there became a law, I desired to be appointed in my district; but I never made any application to the governor, for I have no idea in the world that Governor Bullock would appoint me to any position; I have never asked him for one.

Question. I framed the language in that form so as to know what office you have asked your friends to ask for you.

Answer. I was a clerk of the senate of the legislature upon the recommendation of personal friends.

Question. After you were defeated for the legislature?

Answer. No, sir; before.

Question. And your friends intended to get you appointed circuit judge?

Answer. I simply made the declaration that I would like to have that position.

Question. Is that the only position your friends have asked for you, that you are aware of?

Answer. Yes, sir. I have never asked Governor Bullock for anything.

Question. Have you got your friends to apply to the President for anything for you?

Answer. I have never applied to the President, but I shall do so if he is elected in the next campaign, as I hope he will be.

Question. Have you picked out the particular office you would like to have?

Answer. I have no objections to telling it.

Question. I would like to know.

Answer. Well, I would like to be governor of one of the Territories out West.

Question. I do not think anybody will interfere with you if Grant is elected.

Answer. I might be induced to support my clever friend, General Blair, again, if he comes down from his high horse and supports conservative measures. I would take great pleasure in supporting him as I did before. However, I will take occasion to state that Colonel Atkins, revenue collector, told me some time ago that if I desired a position with him I could have it. I have not concluded to accept, but I may do so. That was simply a voluntary offer of his own. I said that the republican party was under no obligation to me; that I had opposed it in my county, and could not ask anything at its hands. I can get along and manage my own canoe without any position of that kind.

WASHINGTON, D. C., *July* 13, 1871.

Hon. AUGUSTUS R. WRIGHT sworn and examined.

The CHAIRMAN, (Mr. POLAND.) As this witness has been called at your instance, Mr. Blair, you will please commence his examination.

By Mr. BLAIR:

Question. Where do you live?

Answer. I live in the northwestern part of the State of Georgia, in the city of Rome, and the county of Floyd.

Question. How long have you lived there?

Answer. I have lived, not in the city of Rome, but in that and the adjoining county, since 1836. I went there before the Indians were removed, and commenced life there in my profession. The railroads and the steamboats built up a city at Rome, and I moved down there, because it was a better place in which to practice my profession.

Question. State what public positions you have held?

Answer. In my twenty-seventh year, if I remember correctly, I was elected circuit judge of the Cherokee circuit of Georgia, as it has been called. My remembrance is that I filled that office about seven years, and then resigned it, its labors being more than I was willing to perform. I was afterward a member of Congress, of the Congress before the seceding Congress; but I was not in the seceding Congress.

Question. Were you in the Congress that went out on the 4th of March, when President Lincoln came in?

Answer. I was in the Congress before that.

By Mr. BECK:

Question. You were in the Congress that went out in 1859?

Answer. I judge I went out in 1859, because secession was in 1861. I ought to have stated, perhaps, that in the presidential contest, when Mr. Lincoln was elected, I was one of the candidates for presidential elector for the State at large, Mr. Stephens being the other. We were on the electoral ticket for Mr. Douglas, and canvassed the State to some extent. I met Mr. Douglas in the upper part of the State and carried him a part of the way through the State; Mr. Stephens then received and went with him through the State. Mr. Stephens and myself canvassed the State to some extent together, while the other electors, the district electors, were also active in their respective districts.

By Mr. BLAIR:

Question. You opposed the act of secession, did you not?

Answer. I opposed it with all the power I had on earth. There was no man in the Union, North or South, more utterly hostile to the act of secession than I was. Ought I not, in answering your question, to state the fact that I was run in my county of Floyd as the Union candidate for the convention in Georgia that seceded?

Question. Yes; state all the facts.

Answer. They ran me against my son-in-law, who unfortunately differed with me, a very prominent young lawyer, now dead. The fire-eaters ran him against me, upon which they made a great point. I should have gained the race then, except upon the solemn pledge made that if the State seceded the question should be referred back to the people. Upon that pledge I was beaten three hundred votes in a county that gave twenty-five hundred votes. Do you want to know what offices I have held under both governments?

Question. Yes.

Answer. That convention met at the capital of Georgia, and organized; there were a majority of Union men in the convention when it organized, at least that was the understanding—they had been elected as such; but they were controlled one way or another by the revolutionary spirit which governed there. They elected delegates to meet at Montgomery, Alabama. The delegates were elected in this way: In order to prevent division in the State, after Mr. Stephens, who was a member of the convention, agreed to go, and the balance followed him, the two parties had a convocation, and agreed that each would select so many men, the Union party so many, and the fire-eaters so many, and that there should be no schism in the State, and that the vote should be unanimous for the persons thus selected. The convention voted unanimously for every name thus selected, except mine. When my name was announced, a gentleman from my county, (Colonel Fouché,) who was elected, with my son-in-law, to the convention, as my remembrance now is—at all events he was there, and I think a member—said that I was not, in his opinion, faithful to the people of the South; that it was not safe to intrust me with that office, and he therefore insisted that I should not be elected. Notwithstanding the agreement that had been made, and notwithstanding I had been selected by the Union element, and the agreement was that neither was to interfere with the other, they ran against me Dr. Miller, a Senator who came here and was admitted; he came within two or three votes of beating me. I was at home, two or three hundred miles from there, and had no knowledge of what was done; it was all done without my knowledge and approbation. When I first received the news of my election to Montgomery, with the understanding that the question of secession had not been referred back to the people—for I had always said that when the people, upon a fair vote referred to them, voted to quit the Union, I would go with them—but I did not intend that Mr. Yancey should "precipitate the cotton States into a revolution." He had used that phrase in a secret letter which had been obtained. I said that if they wanted to divide the Union, they should understand what they were doing. When I heard that they had sent these delegates to Montgomery to frame a new constitution, and had not referred the question back to the people, I openly announced that I would have nothing to do with the treasonable project. Now, public sentiment in the South is very violent; you have no idea of it. You have never been, any of you, at the starting of a revolution. You have no idea how it sweeps over the land. It is like a New York riot, and men had better get out of the way of it. I made a speech in the City Hall of Rome, and but for a few personal friends they would have killed me right there. I understood that several thought I ought to be killed for trying to stop the course of events. Well, you know that passed off, and everybody joined in, especially Mr. Stephens, who seemed to be a leader of the Union element. He seemed to think that it was a better programme not to create division at home; that opportunities would probably present themselves, in taking office, to scotch the revolution.

Question. Was that determination of yours facilitated in any way by the non-action of the Government here, and the course of the extreme radical politicians of the North, in assenting to the severance of the Union?

Answer. I do not think so; there was no assenting to the severance of the States. I took office by the persuasion of my friends, under the idea that it was possible that we could stop the revolution, with the idea that if the Union men wholly ignored it, it would go on and a collision would be inevitable.

Question. You do not understand my question.

Answer. May be I do not.

Question. I do not speak of your assent to the severance of the States, but of the seeming assent given by the extreme republicans of the North to the severance of the States, as shown by Mr. Greeley's publications, and others.

Answer. Oh, yes; I do not think that had any influence; with me I know it did not; but I think it is true that it had influence on our southern politicians. Mr. Toombs, in a public speech in the city of Atlanta, declared that the chances were, I think he said nineteen out of twenty, that the North would let us go; that the North would not fight. I have no doubt it influenced the action of a great many of them, to a very great extent. Yes, I think the action of the North was wholly unexpected.

The CHAIRMAN, (Mr. POLAND.) I do not think the committee is charged with the duty of ascertaining how the rebellion was brought about.

Mr. BLAIR. These matters were brought in without intending to have them expressed.

The CHAIRMAN, (Mr. POLAND.) Your inquiry, in regard to the public positions which he held, is all proper.

Mr. BLAIR. Of course, that inquiry is made of every witness, in order that the country may understand his means of information upon matters of public interest.

By Mr. BLAIR:

Question. Having got through with so much of the preliminary, I will state that the object of this committee, as has several times been announced by the chairman and others, is to ascertain the present condition of affairs in all the late insurrectionary States, with respect to the execution of the laws and the security of life and property there. You will, therefore, please give the committee such information upon that subject as you have in regard to your State.

Answer. Before I answer that question, let me ask permission of the committee to make a further statement. There is an idea abroad that I am a very violent politician; that I was disposed to be a secession man, to encourage secession, to break up the Union. Why, sir, if there ever was a man on earth who had an idolatrous reverence for the Union, I believe I was that man. I was in congress, the confederate congress, and continued there until I was voted out on account of my reconstruction movements. The last act of my political life was the introduction of a resolution in the confederate congress, proposing to the Federal Government to call a convention of the States for the purpose of reconstructing the Government of our fathers, and stopping the revolution. Why, sir, there were thirty men on the floor in an instant, hallooing "Mr. Speaker" at the top of their voices. And this little Clapp, if I remember aright, of Mississippi, got the ear of the speaker, and moved that the galleries be cleared, and the doors closed. I did not know honestly but what I should be slaughtered right there on the floor. I explained to them that I had no intention of being unfaithful to my section, or to the body of which I was a member; but that it was my honest judgment that it was best for our people, in every view, that we should try to get back. I thought it was the best thing as an abstract question originally. I did not want to separate the Government; I never did; it never suited me; and then I thought it would break down inevitably. I thought it was vastly better for us to get back under terms of agreement than to break down and be at the absolute disposal of the Federal Government. I do not know that I am acting in fidelity to tell what was done in secret session; I do not want to violate anything of that sort. I do not think that it is a violation, for the resolutions got out some way and were published in some of the northern papers, and they were published in one or two of the papers of the South. The most of them were afraid to publish them; I think the Selma paper published them with commendation, and I think that was the only paper that did it. I think a member from New York read them here in the House of Representatives, and used them as an argument to show that we on our part were ready to yield and make peace if the Government here would make the necessary movements. That was about the last act of my political life. I was beat out then by a gentleman on account of my reconstruction measures. Let me tell you again, Mr. Stephens and myself were classmates in college. I have a great esteem for him; I think he is as pure a man as ever was on earth, and I am satisfied that he has as great an intellect as any man in this country. But I think that after he got into congress, he finally became in his mind affiliated with the movement of the secession party, and was willing and perhaps anxious to have a separate government. I never was in favor of it. I know that in a brief conversation at his own residence, in Richmond, out of regard to me, perhaps, he told me that my movement in that time was really dangerous to me. I did not say to him that I thought if I had the influence and power of such a name as his to help me we might do something; but I did not have it. I make this statement to show you that my testimony is not to be regarded in the light of a partisan; I do not want it regarded in that light. It is not true that I am a partisan, let who will make that representation. I believe it is best for this people always to be together under one

government, if it is possible; and I see no reason why we should not be the commanding government, not only on this continent, but in the world, fully equal to King William of Germany, where there is a great government, beyond all controversy. I want to say another thing to you before I pass from that. President Lincoln was watching the course of every man in the confederate congress, I suppose. I owned a plantation below Rome when the war commenced. Rome was right in the track of the armies, and I moved down on my plantation, for I had a large family, and daughters among them, and I wanted to be out of the way of the armies. I went there and determined to stay there, let the consequences be what they might, whether I lived or died. A great many of our people refugeed and ran away; I determined to stay. In the fall of 1864 Senator Spencer was at Rome, then a subordinate of General Corse. A man by the name of Shorter had refugeed, and left a lot of cotton, two hundred bales or such a matter, in charge of his nephew, to do the best he could with it, but he expected to lose it. My brother had married a sister of that nephew, and Spencer was up there at Shorter's residence, in Rome, where the cotton was. He was talking with the Federal troops, and finding that I stood very fair with them, that they regarded me as favorable to a reconstruction of the government, as doing all I could to bring my people back without abandoning them, that I stood in a favorable attitude with them, he dropped me a note, which I got clandestinely, stating that from the way the Federal officers talked, his opinion was that I could save that two hundred bales of cotton which General Vandever, then commanding there, was about to send off under some statute as confiscated cotton, and that I should have one quarter of it for myself, that one quarter of it should be for my brother Moses, who was then an exile in Kentucky, on account of his politics. He had a daughter about grown, a very pretty girl, and another one nearly grown, and his family was living right opposite the river. I had great anxiety to remove them, for they were the object of incessant assault by the confederate scouts, as they called themselves there, for they knew that they were there within what was called the Yankee lines. I was fearful every day of violence to them, but I had no means of protecting them. Confederate money was not worth a dollar a bushel with the Federal Government. This nephew of Shorter's knew or believed that it would be a strong inducement to me—and it was a powerful one—for I saw in the cotton arrangement the means of protecting the family of my brother. I declined at first to have anything to do with it, because I was afraid. But finally I got to Rome and formed Spencer's acquaintance. As soon as I told him about the facts of the case he told me he would help me. But Vandever refused to do anything toward saving the lot of cotton. Spencer said, "I know him, and I will have that all fixed." In a few days afterward, I do not remember how long, about midnight one night, I was arrested. There was a regiment, or a part of a regiment, of Federal cavalry that surrounded my house and arrested me, very much to my alarm and to the alarm of my family. The officer came in and said that he was directed to say to me that I would be respected and protected; that I was not arrested for the purpose of imprisoning me. That relieved me somewhat. I was carried up to Rome, and Spencer told me that Vandever was about sending the cotton off to a man in Charleston, who he thought was a partner of his in his speculations; that they had telegraphed to General Sherman to send for me, and in the mean time the cotton was stopped. When I got down to Atlanta I spent the most of one day there with General Sherman in talking with him; and I take this occasion to say that if I disagreed with him on one solitary principle of policy at the time, as explained to me by him, and of the purposes of President Lincoln, I do not now remember it. I know that I was ready and prepared to stand by that policy and carry it out at that time; that is, when we broke down, which I knew was inevitable very soon. Well, Sherman stopped the cotton, and sent me to Washington to see President Lincoln. I came here, staid three days, and saw Mr. Lincoln several times, for the first time in my life. And I will say now, judging from my intercourse with him upon that occasion, that I do not know that I ever saw a public man who, in my opinion, was more truly devoted to the welfare of his country—not to a part, but to the whole of the country. He seemed to sympathize with the people of the South in their calamities. He declared to me again and again that he did not have one single impulse of anger toward them; that he desired nothing in the world but the preservation of the Union. I know from my conversation with him at that time that he had no great idea of giving the negro the ballot, no more idea than he had of making his exit from the earth. I know we talked over the capacity of the negro in that line, and he did not talk as if he thought the negro was capable of self-government. He wanted him emancipated and free, and protected; that suited me. I want you to understand that President Lincoln never promised me that I should be governor of Georgia when the office was free; but from all that was said, I had good reason to believe that I should be appointed to that office. But in the mean time Lincoln was killed, and Johnson came in as President. He had axes of his own to grind, and I had nothing to do with him. I did not like him as a politician when we were democrats together; he ran one schedule rather, and I ran another. I regarded Mr. Lincoln's death, and the falling of the Presidency,

by constitutional provisions, into the hands of the—I will not say a drunken tailor, but a man, in my opinion, wholly unfit for any such position, as most unfortunate for this country. Unfortunately, Johnson professed to be a friend of the South, and became its advocate. It was very natural, perhaps, but it seemed to me that the North lost sight of the true state of the case entirely, and made a war upon my people that ought to have been made upon Johnson alone. If they had broken him of his office, in my opinion, it would have been right; at least that was my view of it, and it is my feeling yet. He betrayed the party that put him in power; their indignation against him was a just one personally, a righteous one; but my people got the punishment that ought to have fallen upon his head.

Question. Do you mean to say that he betrayed the party that elected him when he followed Mr. Lincoln's policy?

Answer. Did he follow his policy?

Question. He did; straight as a line.

Answer. Well, I do not know about that; I will not say that he did not follow Mr. Lincoln's policy, for I do not now remember what Mr. Lincoln's policy was. But let me tell you a little occurrence: when he went into the presidential chair he made a speech in which he used this remarkable language, "Treason must be made odious and traitors punished." Now, I do not think that was President Lincoln's policy. My partner, who was a violent secessionist, but as good a man as ever lived in the world, came into my office absolutely white with alarm. Said he, "Have you read Johnson's speech?" I said, "I have." He said, "What does it mean?" I replied somewhat jocularly, "It means that God Almighty saw that Lincoln was too good a man for you fire-eaters, that raised all this trouble in the country, and he has raised up this drunken tailor to punish you as you deserve."

By the CHAIRMAN, (Mr. POLAND:)

Question. I think all this is hardly according to what we are charged with. We are directed to inquire whether the laws were properly enforced, especially the criminal laws; whether special or unusual crimes are committed by bands of disguised men, and, if so, how they are punished, if punished at all. We are directed to ascertain the present condition of the country.

Answer. Upon that subject permit me to say to you that we must first understand terms. Ku-Kluxism is a word used to mean different things. As a lawyer, you know that words are the signs of ideas, and you must be particular in their use. If you mean by the Ku-Klux Klan that there are any organized secret clubs, having correspondence with one another throughout the State, having their signs and pass-words and all that sort of thing, like the Free Masons and other secret societies, my candid conviction is that there is no such organization; I have no idea there is any such—none in the world. That there is violence in that country occasionally, everybody knows to be true; no man who has any self-respect would deny that there is violence by men in disguise, and by men having local organizations. I am satisfied that there is one in the adjoining county to the one in which I reside. But I must say to you, so far as my observation has gone, I do not think that its purposes are evil. While I cannot approbate it, because it is not the way to keep up good government, still I do not think its purposes were evil or that they are now; I have no idea they were. I have reason to believe, without positively knowing it, that some of the best men in the county either belong to it, or encourage it. I think that the organization was formed with reference to what they conceived to be an imminent danger to society. The negro element, you know, is one thing to a white man at the South and another to a white man at the North, just as different as heaven and hell. It is difficult for us to understand one another upon that subject, or to have a proper conception of the relations which exist there. The men at the North stand off and philosophize with the negro and experiment with him, and all that sort of thing. The man at the South just simply feels that he may be at any time in danger; that experiments with the negro are dangerous; that they may not result in serious danger, and that they may result in serious danger. We have had white men down there in both parties, bad white men belonging to the democratic party, and bad white men belonging to the radical party. I may say to you, and I speak it honestly, that in my opinion the republican party North possesses as much intelligence and virtue as the democratic party; I am not sure but more, for you outnumber them. But it is not so down South. The men who uphold radicalism down South, as a rule, are bad men; that is my judgment of them; they are unfit to govern any country in the world; they are dangerous elements among the negroes. From my heart I sympathize with the negro; he is ignorant, to some extent confiding, superstitious, and easily made to believe anything in the world, especially by white men, and more especially by those white men who profess to be his friends. Well, we have felt that there is danger. I saw men moving among them, from whose conduct I apprehended danger, and a collision between the two races. I think, gentlemen, that these local organizations have sprung out of the necessities of the case, or the supposed necessities—out of the belief that the life of society was, to a greater or a less extent, in danger. I saw a report in

the papers this morning—I reckon you have all read it—of the testimony of Major Hargrove, of my town; he is my personal friend, and I am his; he is my client.

By Mr. BECK:

Question. What does that paper say about his testimony?

Answer. The paper says:

"Mr. Hargrove, of Georgia, was next put on the stand. He says no intelligent or candid man in the State will deny the existence of the Klan, or that its purposes were to practically nullify the working of the acts of Congress by which the right of suffrage was conferred upon the negroes. The organization was political, and composed entirely of democrats, and labored solely in the interest of the democratic party."

Now, I do not believe that, though I do not charge Major Hargrove with swearing to what he believes to be a lie; but I do not believe one word of it. I am here to say to you most solemnly, that if there is any organization to prevent the negro from exercising the ballot, it has not come under my observation. If anybody has ever attempted to prevent one from voting in my State, or in my county, I have never known it. I know that at the election, shortly after the ballot was given to him, there was some apprehension of a riot. The negroes crowded the polls, and the white men wanted to vote; it was a new thing to the white man to see his former slaves at the polls; but still the Government said that he must go there. My advice to the white men was to keep away from the polls, and let the negroes vote first, and in that way they could prevent a riot; that if it was insisted that the negroes should vote, let them vote first. My remembrance is that the white men stood off and never cast a ballot until the colored vote was safely deposited. I never heard any complaint before that anybody used violence to keep the colored men from voting. I am astonished at that part of Major Hargrove's testimony. One of my own slaves came to me not long ago, with two papers, one given to him by a democrat, and one given to him by a radical, and wanted me to read them. He said to me, "Massa, these white men bother me about voting; one white man is after me and then another, and I want you to tell me how to vote." He is a mulatto of some intelligence, and he had been my carriage driver, but he knew nothing about politics. I said to him, "Go and vote as you please, if you vote at all; but it is just as well for you to continue at your labor, and let the white men fight it out among themselves." I do not know what he did. I state before this committee that I never tried to influence the vote of a colored man in my life. I say I do not think he should be permitted to vote; not because I have any prejudice against him, but because I do not think he is capable of self-government. That opinion is as honest as I live. I should have the same hostility to the Chinese, if they formed the same element of power in my State; I think I should be more opposed to them than I am to the negroes voting. I am astonished at this statement of Major Hargrove's. The only scene of violence I ever witnessed, or any indication of one in my State, was at an election not long ago; I do not remember what the election was. I saw some excitement in the streets as I came out of my office, and I inquired what it was. I was told that some negroes were about to mob a negro who had voted the democratic ticket, (his name was mentioned, but I have forgotten it,) and that the white men were arming themselves to defend the negro who had voted the democratic ticket. I took up the idea, from something said to me, that they did not intend to let the negroes know they were going to arm themselves, and be in preparation to defend the attacked negro. I expostulated with my friends, and said if they did such a thing they should let them know it, for it would probably prevent the assault. I think they did let them know it, and it did prevent the assault. From what I have heard, that is the only violence I have ever known. I say now, that my honest conviction, from my own observation, is, that there is more hostility exhibited toward a negro by my republican friends when he votes the democratic ticket, than there is exhibited by the democrats when he votes the republican ticket. For myself, I was satisfied that he would vote that way, and sort of calculated that he would. The radicals solicited him very strongly to vote with them, and the democrats stood off. Now this Ku-Klux Klan, if you call it by that name, was organized, I think, with reference to wherever a man was likely to be troublesome, white or black, to take him in hand, and let him know by personal violence, if necessary, even unto death, that the interests of society cannot be tampered with. I expect you have had these gentlemen tell before you only what I have had from rumor, about some violence done to a negro clergyman of the Northern Methodist Church. He seems to have had a sort of mission given him to preach over in the adjoining county of Chattooga, where these Ku-Klux are. I never heard the boy preach, and therefore I cannot say, from my personal knowledge, that anything he said was incendiary, or calculated to excite the one race against the other. But if the truth was told me, his preaching was more of that character than scriptural or doctrinal. No doubt this Klan took him in hand; whether they simply got after him and he ran off, I do not remember; perhaps they got him and whipped him. I think that was done under an honest conviction that he was doing mischief,

and no good. Well, now, the Klan came up to within two or three miles of the city of Rome not long ago; these disguised men that I am talking to you about I have no doubt they are organized along the line of Alabama. They came up not far from my residence, I am informed; I live a little out of town. They took a negro man and white woman, who were living in a state of adultery, and paddled them both, I suppose, and burned up the cabin.

By Mr. BLAIR:

Question. What was the name of that negro?

Answer. I have heard, but I could not say now.

Question. Was it Kennedy?

Answer. I really cannot say.

Question. I asked the question because it has been testified to here that she was a mulatto woman; that in the case of John Kennedy, he was said, by some of the witnesses, to have had a mulatto wife.

Answer. This is the first time that I ever heard that the woman was a mulatto; I have uniformly heard that she was a white woman, but I do not know.

Question. Did the persons who punished them assign as a cause for it that the woman was too light colored to cohabit with so black a man as he?

Answer. I do not think so; but then, as I have remarked, I never saw her.

Question. She was a white woman?

Answer. That was my understanding and the understanding of the community in which I reside. Therefore public sentiment seemed to say, "While we do not advise these things, we cannot say anything about them, we do not care about them, let them go." Now, further upon the subject of disturbances; in regard to this Methodist preacher. After the preacher was disturbed in some way, I will not say how, a man by the name of Eckridge or Ackridge, I have heard the name called both ways, was supposed to have been engaged in that depredation, and we supposed that it was afterwards the cause of his arrest, which I will now proceed to tell you about. I must tell you the whole of that, because you ought to know it. There was a new judicial circuit about to be made, called the Rome circuit, while the legislature was in session some year ago or so. The democrats had the power to defeat that measure. They wrote up to my city to know what the lawyers of the city of Rome said about the making of the Rome circuit. We needed it very much; I think there were a thousand cases on our docket, and we could not near do the business the way the circuit was organized; but we were all very much afraid of the appointment of a certain man as judge of the new circuit if it should be made. He was a man of ability and capacity; he was regarded not so much a dishonest as a tyranical man, an overbearing man. There was a general idea that he would be a great scourge if he was put on the bench. So we sent somebody to see Governor Bullock, and ascertain if he would pledge himself to appoint Mr. Harvey, now the present judge, who was understood to be a republican. He was a native-born citizen, a quiet, orderly man, a member of the church, and though not renowned as a lawyer, we thought he had judgment enough to make a fair judge, and we believed him to be honest. We said to Governor Bullock, that if he would appoint Harvey, the democrats would vote for the bill. The governor made the pledge that Harvey should be appointed, the democrats voted for the bill, and the circuit was made; but to our utter astonishment he appointed a man by the name of Kirby, a man nobody had spoken of for the office. Personally, I was very well satisfied with Kirby, for he was distantly related to me by marriage, and I regarded him as an honest and faithful man.

By the CHAIRMAN, (Mr. POLAND:)

Question. You spoke of some gentleman whose appointment you feared; was that Mr. Kirby?

Answer. No, sir; I may as well give his name. He was Colonel Daniel S. Printup, a good lawyer, and a man of capacity; but we had the idea that he was too overbearing, and we did not want him. He was from New York, Governor Bullock's State, and we were told that the governor was carrying on some operations in New York to some extent with his friends. We were alarmed and afraid that he would appoint Colonel Printup, and we could and would have defeated the bill but for the pledge that he gave us that he would appoint Mr. Harvey. He appointed Judge Kirby; and while that satisfied me personally very well, it dissatisfied the community very much. There was a sort of idea got out at once that there was some purpose to be answered, the people did not know what. Things went on; Kirby was sworn in; perhaps presided as judge once or twice. He went down to Atlanta, and then came back, and in a few days a body of United States soldiers followed him to the county of Chattooga. That created intense excitement, and the question was asked, "What does that mean? Why are these soldiers sent here?" And public suspicions fell immediately upon Kirby, that he had brought them there. They were sent over to Chattooga, and were quartered in Summerville, the little county town in Chattooga, and the residence of *Judge Kirby.*

Question. Is that west of Rome?

Answer. Yes, sir, and very close to the Alabama line; a little above Rome, and west of it.

Question. Not on the river?

Answer. A little above the Coosa River. Floyd runs to the Coosa River and to the Alabama line. Well, of course it was a subject of conversation and much conjecture as to what was meant by that movement. Some said that Judge Kirby was afraid of being Ku-Kluxed; others that he was afraid of his personal safety, and that troops were sent there to protect him. Well, the idea occurred to me, and to all thinking men, that that could not be the object, because he was going about all over the district, holding his courts, and the troops did not follow him. If the Ku-Klux wanted to kill him, or any thing of that sort, of course there could have been chances enough to do it. They were there a few days—I do not know how long—when we were startled with the news that they had gone, late at night, to Ackridge's residence, arrested him while he was in bed, without informing him of what he was guilty, carried him up to the court-house jail, and put him in a dungeon. Well, that created very great excitement. I will not say whether I was consulted upon the subject of bringing him out upon a writ of habeas corpus, or whether it was merely conversed about; but I know that I gave it as my opinion that it was useless to take out any such writ, for the military would not respect it. I know it was understood, I do not know how, that the military would not pay any respect to a writ of habeas corpus, and none was taken out. In a few days we heard that between two and three hundred men in disguise had gone to Summerville, seized Judge Kirby while in his bed, took him out and told him that unless Ackridge was released in thirty minutes they would hang him; that they believed he had brought these troops there for the purpose of arresting people and overawing them, and that they would hang him unless Ackridge was given up. The Federal officer was seen and talked to, and he told Judge Kirby that if his life was in danger, he would deliver up the prisoner. Judge Kirby told him that he had no doubt that they would hang him if this was not done. And the officer turned Ackridge over to these disguised men. I am told, I do not know that it is true, that they pledged their honor to deliver him at any time to the sheriff on any civil process, when he could be tried before the courts.

Question. What was Ackridge charged with?

Answer. I never knew; the military never gave a reason for his arrest that I ever heard of. We simply supposed that it had reference to this marauding upon the Methodist preacher; we just simply supposed so; I judged it was that, for I did not know anything else.

By Mr. BECK:

Question. You say the arrest of that man under those circumstances caused a great deal of excitement in the community?

Answer. It did, very intense excitement.

Question. It has been testified to here, I will not say as a ground of complaint against you, but that while you opposed the rescue of the man by these disguised men, at the same time you were very bitterly opposed to the imprisonment of the man in the way in which it was done?

Answer. I was.

Question. Those are the facts about that?

Answer. Yes; I expressed my utter indignation at it before he was rescued, and without any knowledge that he would be rescued, as one of the most lawless acts ever performed by any government on earth, and I still honestly think so.

Question. At the time of that arrest by the military, was there anything like a requirement with the provisions of the fourth article of amendments to the Constitution of the United States; was there any warrant issued, any affidavit or affirmation, or any steps required to be taken to put the citizen on his defense?

Answer. None that I ever heard of; I do not believe there was any; if there was it was made to the military authorities and was unknown to the civil authorities. I am sure Ackridge and his friends knew not what the charge was: they suspected, but it was only suspicion; he had been a confederate soldier, and had done a great many acts during the war; but they did not know upon what ground he had been arrested.

Question. About what time was that arrest made?

Answer. I have a poor mind for dates.

Question. You can come within a year of it?

Answer. I do not think it was more than six or eight months ago.

Question. Was it or not after the constitution of Georgia was adopted, and after her legislature was in session?

Answer. O, yes, sir.

Question. After her governor had been duly installed, and after she was restored to the Union even according to the forms prescribed by Congress?

Answer. Certainly it was, according to my understanding; and that was one reason why it was such an outrage upon our feelings.

Question. Do you know upon what authority General Terry, or any of his soldiers, were arresting citizens of Georgia at that time without any charge against them of having committed any offense?

Answer. I do not; I could not imagine.

Question. Had they been called upon by the government of the State; had martial law been declared; had the writ of habeas corpus been suspended; had any county been declared in insurrection, or had anything been done to warrant any arrest by the military?

Answer. I do not know that there was; perhaps the governor had called upon them; I do not know that.

By Mr. BLAIR:

Question. Do you say they refused to obey a writ of habeas corpus?

Answer. No, sir; but there was an understanding that they would not obey it.

Question. None was sued out?

Answer. None was sued out. I do not remember whether I was actually consulted about suing one out or not. But the understanding was that they would not obey it if it was sued out.

By Mr. BECK:

Question. Was General Terry pretending, under any authority given him by the President of the United States, to be authorized to arrest persons in Georgia, without giving any cause for it, but for anything he pleased, as the military commander of that district?

Answer. I did not so understand it. I have reason to know that there was no process of the court that could not have been executed in the case without the least difficulty. I am sure that the sheriff could have summoned a dozen good and true men to execute any in his hands if anybody had resisted. I feel the responsibility of what I am swearing, when I say that at the time I looked upon it as a most unmitigated act of military power, without any pretext or adequate excuse. I felt so; I may have been mistaken, but that was my honest feeling, and it is so yet. I do not think any justification can be made for it.

Question. Do you know that on the 4th of January, 1870, an order was issued from Washington, in the following words:

"[General Orders No. 1.]

"HEADQUARTERS OF THE ARMY,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, January* 4, 1870.

"By direction of the President of the United States, so much of General Orders No. 103, dated headquarters third military district, (department of Georgia, Florida, and Alabama,) Atlanta, Georgia——"

The CHAIRMAN, (Mr. POLAND.) Are not all those orders now on record?

Mr. BECK. I want to prove that President Grant and General Terry were the original Ku-Klux in Georgia; that these acts were done by their authority; that the President was acting in violation of law; that his general was acting in violation of law, and that they were themselves tresspasers and usurpers in the arrests that were made.

The CHAIRMAN, (Mr. POLAND.) So far as the facts are concerned upon which you base all that, are they not already upon record?

Mr. BECK. They are not upon our record.

The CHAIRMAN, (Mr. POLAND.) Not upon the record of our committee, but they are upon public record.

Mr. BECK. I do not think that one man in ten thousand knows these things; they just assume that what the President and General Terry did was right, and that whoever opposed them were Ku-Klux and scoundrels. Now, I hold that whoever in time of peace arrests a citizen in violation of the Constitution, without any charge against him, and puts him in jail, is himself a violator of the law.

The CHAIRMAN, (Mr. POLAND.) Is it necessary to ask that of this witness?

Mr. BECK. I think it is, just as much so as it is to ask him about the organization or uniform or purposes of any Ku-Klux bands that have been doing wrong.

The CHAIRMAN, (Mr. POLAND.) That is not in any public record here.

Mr. BECK. Neither are these orders in any public record here; they are merely in a speech made by a member of Congress, by myself.

The CHAIRMAN, (Mr. POLAND.) I made the suggestion with a view to shortening the inquiry.

Mr. BECK. I want to ask this witness whether these orders——

The CHAIRMAN, (Mr. POLAND.) They are contained in a speech made by yourself in Congress?

Mr. BECK. They are.

The CHAIRMAN, (Mr. POLAND.) Does this witness know more about them than you do?

Mr. BECK. They have complained of this witness as not being a law-abiding man, because he condemned the acts of General Terry in arresting those citizens of his State. I want to show the facts upon which he did so, that he condemned the acts of the President and of General Terry; and I want to prove by him that General Terry never investigated that case. I know where the shoe pinches.

The CHAIRMAN, (Mr. POLAND.) You entirely misapprehend my idea. I do not suppose that everything else in the world, all the public documents, and all the public history of this country, are to be ignored unless they appear in evidence before this committee.

Mr. BECK. Neither do I; but this is not in any public history.

Mr. BLAIR. I do not see how an intelligible understanding of the affairs of Georgia at that time can be had without these documents.

The CHAIRMAN, (Mr. POLAND.) Well, go on.

Mr. BECK. General Terry was there for some purpose; and I want to show that he was there in violation of the Constitution and laws of the country.

The CHAIRMAN, (Mr. POLAND.) I suppose that everybody who knows anything at all about public affairs knows that he was there by order of the President; whether that order was legal or illegal is a question of opinion entirely about which each one of us can exercise his own judgment, without asking this witness about it.

Mr. BECK. We put in the correspondence of a newspaper yesterday, to get at the tone of that particular paper.

The CHAIRMAN, (Mr. POLAND.) Well, we will take up a great deal more time talking about it than by letting you go on and make all the inquiries you wish; but I do not myself see any point in it.

Mr. BECK. I will show the country the point in it before we get through with it.

The CHAIRMAN, (Mr. POLAND.) You have done so already, if there is any point in it.

Mr. BECK. On the 2d of January, 1870, General Terry sent the following telegram to General Sherman:

"[Telegram.]

"ATLANTA, GEORGIA, *January* 2, 1870.

"General W. T. SHERMAN,
"*Commanding Armies of the United States:*

"I have assumed command of Georgia as a district. Since my last telegram I have become convinced that my assignment as a district commander was necessary, and I think I should be clothed with the powers given by the reconstruction acts. I would suggest that the orders proposed in my report of August 14 be issued. I think that the knowledge that I have those powers would go far to obviate the necessity for their use.

"A. H. TERRY,
"*Brevet Major General.*"

On the 4th of January, 1870, the following order was issued here:

"[General Orders No. 1.]

"HEADQUARTERS OF THE ARMY,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, January* 4, 1870.

"By direction of the President of the United States, so much of General Orders No. 103, dated headquarters third military district, (department of Georgia, Florida, and Alabama,) Atlanta, Georgia, July 22, 1868; and so much of General Orders No. 55, dated headquarters of the Army, Adjutant General's Office, Washington, July 28, 1868, as refers to the State of Georgia, is hereby countermanded. Brevet Major General Terry will, until further orders, exercise within that State the powers of the commander of a military district, as provided by the act of March 2, 1867, and the acts supplementary thereto, under his assignment by General Orders No. 83, dated headquarters of the Army, Adjutant General's Office, Washington, December 24, 1869.

"By order of General Sherman:

"E. D. TOWNSEND,
"*Adjutant General.*"

On the 12th of January, 1870, General Sherman telegraphed to General Terry as follows:

"[Telegram.]

"HEADQUARTERS OF THE ARMY,
"*Washington, January* 12, 1870.

"General A. H. TERRY, *Commanding Department of the South, Atlanta, Georgia:*

"I answered your dispatch this day, and am assured it was sent. I will sustain you in the exercise of any authority that will maintain substantial good order until the State

of Georgia is recognized by the Executive and by Congress. Even then some lawful means will be found whereby we can defend our own friends from the Ku-Klux or band of assassins. I think the use of our soldiers should be limited to maintaining the peace, while you, personally, are vested with executive authority over governor and legislature till the State is fully admitted. You, on the spot, must be the judge of how far it is politic or wise to interfere with the component parts of the legislature-elect, or with their proposed legislation.

"W. T. SHERMAN, *General.*"

By Mr. BECK:

Question. Now I want to ask whether or not you consider that the attempt of the President, or his general, to make a military commander and his soldiers superior to the laws and the constitution of Georgia, and all your courts, was in itself a gross violation of every principle of constitutional law, and the arrest of that man under it was also a violation of law?

Answer. Well, I have just stated that I felt as indignant as a man well could feel at that action of the Government, because I thought it was not only a usurpation of power, but it was unjust; and, to tell the truth, I viewed it as the last, extremest act of despotism. I know of nothing that could more vitally affect the citizen than to permit the military to arrest him without giving him reasons for that arrest. If there is anything worse, it has not occurred to my mind. Therefore, I felt mortified, hurt, chagrined, indignant, as much as any man could. I will tell the whole truth. I have nothing to conceal. When I heard that the Ku-Klux had released the man—Judge Kirby is my personal friend, related to me by marriage—when I heard that the Ku-Klux had released the man, I said that I rejoiced that Judge Kirby had received no personal injury, but I did not see how it was possible for me to condemn the act, for I knew no other way of wresting a citizen from the hands of power. I said that in the honest impulse of my heart; it may have been improper for me to have said it. probably it was in our peculiar condition; but surely before the war it would not have been improper to have said it.

Question. Were your courts open at that time?

Answer. They were; and if the process of the law had been resisted at any time I have never heard of it.

Question. Had any public notice been given in any form, indicating that any necessity existed for a departure from the ordinary proceedings in courts of justice to bring men to trial?

Answer. None that ever came under my observation.

Question. There was no public proclamation declaring those counties, or that particular county in a state of insurrection or rebellion, or anything of the sort?

Answer. None that I ever heard of or saw.

Question. Was there anything, in fact, in the attitude of that county that authorized or required any such extraordinary proceedings on the part of either the President or his military officers?

Answer. Well, I think not.

Question. Do you remember whether during that same time General Terry removed from his office a man by the name of Wetmore, who was an ordinary, I believe you call it, a judge of probate?

Answer. Either judge of probate or ordinary, he is known as either, and he had both titles. Well, I could not answer that question; there was so much said about the arbitrary acts of the military at the time, and so much complaint made of one sort and another in other sections of the State, that I positively ceased to pay much attention to it; I just concluded that it was the duty of the people to submit to it, no matter what it was, that we would have to submit to it. Therefore I could not say what happened out of my immediate section.

Question. Did or not those illegal acts of usurpation, on the part of the military power, convince your people that they were outside the ordinary pale of the law to a great extent, as it was administered to other people and in other States, and that they were the victims of vengeance?

Answer. Well, sir; I have felt, and I have felt honestly, that the white race at the South were pretty much without a friend or protector in the world. Whether that was a just sentiment or not, it was an honest one.

By Mr. BLAIR:

Question. There have been some statements made here by witnesses with reference to the case of a man arrested near Rome for an outrage upon Jourdan Ware. Have you any recollection of the circumstances of that particular case?

Answer. Perhaps if some of the circumstances of the case were told me I might recall it. We pay very little attention to negroes' names down there; we know them as Bob, Tom, Harry, and all that sort of thing. Very many have changed their names to suit their own notion, and, therefore, we pay very little attention to names.

Question. I think the statement of the outrage was something of this kind; that

party of men went to his house, or place of residence, and pretended to be Federal soldiers, and asked him to accompany them to kill some Ku-Klux.

Answer. I remember the case now; you have the wrong name. I think that was the negro that was killed at Foster's, as it was called; I think that was the Foster negro, unless I have got the name wrong. I remember that circumstance, and I can give what knowledge I have of it, and how I derived it, if you desire. Professionally, I might refuse to do so, though I have no disposition to do so, and do not think it would hurt my client now. This negro was killed; whatever his name was it is immaterial; I do not remember it, though I have heard it. A young man who went with that crowd, and was engaged in that operation, came to see me as a lawyer, to know what I thought it best in the premises for him to do; whether I could acquit him or not. I told him as usual, "Tell me now everything that occurred; I want to know all about it, and then I can tell you what I think is best for you." I am not sure whether he said his father sent him to me, or whether he came himself. His father is my client, and he may have said that his father sent him. I know his father furnished me the money to buy a ticket for him on the railroad, which I did for him afterward. I told him to tell me the whole truth about it. He said: "We were not the regular Ku-Klux, we were some boys (or young men) who had heard that this negro had been making threats about the Ku-Klux." That was the idea; and he went on to say that they got together and concluded to take him out upon their own hook and bring him to a reckoning. That boy was under twenty-one years of age; I think about nineteen years of age. I think he told me that for the purpose of ascertaining how far it was the truth, what the old negro had said, they sent in to him pretending to be Northern men; I do not think he said Northern soldiers, but pretending to be Northern men. They expressed sympathy for the condition of the negroes down there, commented upon these Ku-Klux outrages, &c., and said that they had come there for the purpose of forming a Ku-Klux organization themselves to Ku-Klux the Ku-Klux, and they wanted to know if he would help and aid them. He said that the negro gave most hearty assent, and expressed his anxiety upon the subject to have it done. I think he told me that the negro gave them the names of other negroes who would go with him and make a raid, and gave him the names of the men to be Ku-Kluxed. I am not sure, but I think he told me his father's name was on the list of the men to be Ku-Kluxed. They started with the negro, going a little way out, I am not sure how far; but they started with him on the expedition, and after they got him out a little way they just commenced firing upon him, or stabbing him, I do not remember which; anyhow he said they killed him. That was his case, and he wanted to know whether I thought I could defend him successfully. I told him that I did not think I could; that my honest opinion was that he would be convicted; that while the negro exhibited a bad temper or disposition, and all that sort of thing, he had some cause for it; that they had rather decoyed him into the matter; that he was a poor, weak, superstitious creature, ready to listen to anybody who pretended to be his friend; that it was cruel to make those representations to him, and my opinion was that the community would so regard it. Said I, "If you will take my advice you will leave the country and get away from here." He took my advice; his father sent word where I could get some money, and I bought him a ticket and some clothes, and put him on board the railroad.

Question. He made his escape?

Answer. I presume so; I have never heard of him since in that country, and I do not expect to; I told him that I thought he had better stay away. That advice was given to him honestly and faithfully; I thought it was the best thing he could do.

Question. Some of the witnesses from your State have testified that certain men in Georgia, naming them, prominent men, could by a word put down all this Ku-Kluxing, or all these unlawful proceedings; and among others they have named Mr. Toombs, Mr. Alexander H. Stephens, and I believe your own name has been given also. The inference was that you had not exerted any influence to put down this thing, and that if you would exert your influence, it could be done.

Answer. I do not believe that is the truth. In the first place I do not believe we could prevent these outbreaks of violence occasionally, because while there are some things done that are wrong, like the killing of this negro, for instance, and which I utterly condemn; I sympathized with that poor creature, for it was the almost inevitable result of the decoy laid for him—yet, as a rule, I tell you that the purposes of these men are not bad; however wrong their actions may be their purposes are not bad; it is to conserve what they take to be the life of society. I do not think there is any power in the world to prevent that; where they think the life of society is seriously endangered, they will help themselves the best way they can; I do not think a million of troops would prevent it. It is just as it would be in your country; if you thought the life of society was seriously endangered, you could not wait, you would not wait, to know whether the Government would help you. I do not think they would pay any attention to Mr. Toombs, Mr. Stephens, or myself. I have never advised the formation of one of these secret orders. I even took my demit from the masons, because I was opposed, upon calm reflection, to all secret organizations. I fought

know-nothingism from the word "go," with all the power I had in the world, because it was a secret organization. I never favored one, never at any time. Masonry is different from political organizations, but still, because it was secret, I thought it better to take my demit. I have not been in a lodge for twenty years, and I have forgotten all about it. I never countenanced, encouraged, or favored any secret organization. If I could, to-day, by a word, I would disband every one of them, and tell my countrymen to submit to their fate; it is a terrible one, and it is pretty difficult for a man to contemplate it. And besides, how can the Government ask me to stand out as their champion in any regard, when I am denied the right of citizenship? I have not the chance of a white man; I have not the chance of a negro; I could not be bailiff to my own slave, if he was put into a magistrate's office, as former slaves sometimes are. They ask me to be loyal to a Government that treats me in that way. I say, not so; you would know that I lied deliberately if I was to say so, or that I was not worthy of your respect. God must make me over again before I can be loyal to a Government whose blessings I do not feel; when I only know its hand of power, it is impossible for me to have affection for it. Whether that relates to the organization of the Government or to the administration of the Government you might make a distinction there; perhaps it is the administration of the Government. I am a republican, every inch of me; I am in favor of the rule of the people, and I am in favor of the rule of the white race. I do not believe there is any people on the face of the globe, and I know I am saying it under oath, that is capable of self-government but the white race; and I believe very few nationalities of them are capable of self-government. I have no idea that the people of France are; I do not believe the republic of France will live ninety days. If there is any people on earth that could maintain a republican government, besides ours, in my opinion it would be the Germans; they, possibly, might do it, but they have no chance; King William has got them in his hand and is likely to keep them there. But the idea that the black man is capable of self-government—how can I believe it? The history of his race for thousands of years, and his type of civilization now—I do not know, it seems to me so, I may be wrong—but look at him now, just out of slavery. Congress gives its judgment in favor of him, for it gives him the ballot; and it cannot require a higher type of civilization when he receives the ballot; that is the privilege of the highest type of civilization. I want it to go out to the country, under oath, that I opposed that because I believe the negro is incapable of self-government, not on account of any prejudice against his race.

Question. Is there any hostility among the people of your State to the form of our Government, a republican form of government?

Answer. None on earth.

Question. Have you ever heard of any one in the State in which you live who was opposed to that form of government, any one among the white race?

Answer. I never did.

Question. Their antagonism is simply, then, to the measures of the administration?

Answer. Yes, sir; as they operate upon the people of the South. Now, understand me, this is political, and perhaps, I should not say so. I have no particular hostility to General Grant's administration generally; I think he deserves well of the country for his administration of the finances; I think it has been admirable; I think he deserves credit of the country for it, I do sincerely. And it was a hereditary doctrine of the democratic party the acquisition of territory. Now, I suppose the democrats will put right straight in for the acquisition of San Domingo. And every impulse of my soul was in favor of the President on that question; but I did not open my mouth, because my people did not go for it. But I cannot help regarding him as the implacable and powerful enemy of my people. It does seem to me that every act of his administration, as a rule, has been against the white men of the South. Well, I am not astonished at it; he fought us for years, he regarded the rebels as striking at the life of the country. The astonishment with me is that he never forgets and forgives. You know that in the parable in scripture, when the father saw his prodigal son coming back, he ran to meet him, and fell upon his neck and wept. They do not do that with the South; there is no weeping on their part, it is all on ours. All I desire on the face of the earth is good government. I have no prejudice against a Northern man; my people sometimes call me a Yankee; I was beaten most shamefully in my own county of Floyd, after the war was over, because I was considered too much of a Yankee. But I tell you that I am bound to stand by my country and my people; and if we cannot come into the Union as one of the States of the Union, with all the rights of a State, I do not want to come in at all.

By Mr. BECK:

Question. What would be the effect upon your people of a general removal of disabilities?

Answer. I was just going to speak about that. I know for myself that it would remove one great obstacle to my reconciliation in feeling. How can I feel kind towards a government, as I remarked a moment ago, that does not give me the rights of citizenship, *and does not* promise to do it; and that, too, when I think I never should have

been disfranchised? Let me say another word to you; I have Mr. Lincoln's pardon in my trunk, signed before the war was over, in the fall of 1864. It was upon his own motion; he voluntarily offered me a pardon. Said he, "Don't you think you will need a pardon if you break down?" I said I thought I would. "Well," said he, "I think you deserve one," and he gave it to me; it was wholly unsolicited. I have a pardon signed by him, and it is laid away in my trunk; but I suppose it is of no use under the action of Congress.

By Mr. BLAIR:

Question. The question that I asked you at the beginning of this examination was only partially answered. It was as to the security of life and property in your State, and the execution of the laws there; the condition of the State in regard to those things.

Answer. The laws are as well executed, that is, with as little obstruction and opposition, as they ever were in my State; there is no doubt about that. The law is not as ably executed; men are upon the bench whom we never knew before as lawyers; but they were almost forced upon the country by the circumstances. In the formation of our constitution, they took away from the people the right to elect judges, and gave the appointment of them to the governor. He exercised that right according to his own schedule, and gave us men who never expected to be judges, some of them. I do not think anybody will say that they are learned in the law, or great jurists, or anything of that kind. Therefore, I do not think the law as ably executed as it has been. But I think it can be as certainly executed, according to the judgment of those gentlemen on the bench, as it ever was; I know of no resistance to the process of the courts; I never heard of any resistance to a sheriff in the exercise of his duties.

Question. After men have been convicted, is there any great complaint in the State concerning the pardons of the governor?

Answer. Oh heavens! it is hardly necessary for this committee to ask me such a question as that. Our statistics show that our governor has issued between three hundred and four hundred pardons.

Question. Within what period?

Answer. Since he has been governor, and he has been governor, I believe, only two years and a half. I do not think the like has been known in the history of any government. I do not think there ever was a people on earth cursed with any such ruler as Georgia is with her governor. I say it with all respect to you; but here is Angier, who will testify before you. He is a northern man, and an honest man. God Almighty does not make honest men by parallels of latitude. He is in controversy with his own governor; and yet both of them are radicals. Now, why is it? It is because Bullock is trying to plunder the State, and it seems to me that he thinks a government is nothing but a machine with which to plunder other people. Angier stood there in the treasury, like a lion at bay, and resisted him. The result is that the governor sets him at defiance; he issues his bonds without the signature of the treasurer. He issued some bonds and had the name of the treasurer engraved upon them without his consent, and proposed to put them upon the market. Angier told him that if he did it he would have him indicted for forgery, and he did not issue them. But he issued other bonds, with the comptroller's name on them; at least so I am told, and I have no doubt of it. I could not give you the details of all his acts. I declare that it is my honest conviction that if the people of Massachusetts were to discover that their governor had robbed their treasury to the extent that I think the records show that Governor Bullock has the treasury of Georgia, the "solid men of Boston" would hang him in forty-eight hours. I know how staid their habits; but there are certain things I do not think they would submit to, that we do.

Question. Were the criminals pardoned by the governor convicted of crimes of the highest class?

Answer. I think there were some eighteen or twenty of them who were murderers, that is my remembrance. I think a large portion of them had been convicted of the highest offenses known to the law.

Question. Did this course of his make the people feel insecure?

Answer. Why, I have heard it said again and again, "hang him," or, "kill him, for if you don't Bullock will pardon him after you have sent him to the penitentiary." I will give you a case. Week before last, or perhaps a week before that, a negro knocked a white man off his horse, about four miles from the city of Rome, at 11 o'clock in the day-time, and within a quarter of a mile of a house, and robbed him of all his money; and the man has since died. They pursued him two or three days before they caught him. Now, myself and others sent word (I did, and I think others did) to those men in pursuit, and charged them whatever they did not to execute the man, but to bring him in and put him in jail, and let the law take its course. And the reply of some of them was—I will not say who it was or how I got it—"Why, what use is there in that? Don't you suppose that Governor Bullock will pardon him if he sees any interest in it?" But notwithstanding all that, I protested that they should

bring him back, and they did bring him back and put him in jail, and he is there now awaiting his trial in the ordinary course of events. Now I thought that a very great act of forbearance.

Question. The effect of this great latitude of the governor in granting pardons is to induce the people in many instances to take the law into their own hands?

Answer. That is the necessary result.

Question. For fear that the greatest criminals will go unpunished, by reason of the clemency of the governor, as shown by his liberal use of the pardoning power?

Answer. Yes, sir. It is my duty to give a case that came within my own knowledge. A man by the name of John Long, one of the most desperate characters of the war, living along upon the line of Georgia, Tennessee, and Alabama, making his excursions along there; since the war, a year or two ago, I cannot give the exact date, but since the public tribunals were opened, he rode up in the day-time to the house of the clerk of the superior court of Calhoun County, called him out, and asked him the way to some place. After the clerk had told him, or while he was telling him, he pulled out his pistol, and deliberately shot a bullet-hole through him. The reason given why he did so was that the clerk had aided the authorities in getting a horse away from him that they thought he had not got legally; perhaps the clerk had been pretty active in that operation. He just shot him down in cold blood. Application was made to me to defend him. That was in the county of Calhoun, and I live in the county of Floyd. I told his friends who made the application that I should charge them a thousand dollars to defend him, and would not do it for less, but that I would defend him for that sum to the extent of my ability. They proposed to see me again, and they did some time afterward, and complained of the amount of the fee I charged. To make a long story short, we disagreed. I occasionally inquired who his counsel was, supposing that he had employed some other counsel at a less sum. I heard that a young man, comparatively of very little note, certainly of not much ability as a lawyer, had been employed to defend him. I asked the question if he was going to risk his life in the hands of that counsel. I did not care about his not employing me, but I thought he should have able counsel, for it was a very bad case. He went to trial, was tried, convicted, and sentenced to be hung, without any hesitation on the part of the jury. But in a short time afterwards Governor Bullock pardoned him. It was very plain then to all of us why he went to trial so securely, with a young lawyer of very little experience. We began to think he understood the ropes better than we did. I regarded that then as an outrage upon public justice, and I do yet, an unmitigated, terrible outrage.

Question. What do you know, if anything, about the rewards that the governor has offered for the apprehension of one class of criminals, while he is so lenient to others?

Answer. My remembrance is that in the two and a half years he has been governor of Georgia, he has offered and paid out of the treasury fifty and some odd thousand dollars, in rewards; and my remembrance is that in that two and a half years he has paid some $36,000 lawyers' fees, or purports to have done so; my remembrance is that he has paid for publishing proclamations of one sort and another that he has put out—some of them are the strangest surely that ever went into a public newspaper; but never mind about that—I think he has paid out about $98,000. I think he has used between $400,000 and $500,000 as a contingent fund, without returning the specific contingencies, so far as the authorities know; whereas, as my remembrance now is, for some four or five years of the other governors, the whole contingent expenses were only a few thousand dollars, each item specified. While we are on that subject let me say that we are in trouble as no people ever were before perhaps. He has issued two and a half milllions of dollars of bonds, if I mistake not, on the Brunswick and Albany Railroad. I am told that his man Friday, as we call him down there, Kimball, who came from Maine—and I see his brother is the democratic candidate for governor there in Maine, and, therefore, democrats may not like me to talk about the family in that way—I am told that Kimball is the only stockholder in Georgia in that road. Bullock does not own anything at all that I know of. It is understood in Georgia that whenever you see Kimball's tracks you see Bullock's tracks. He came there bankrupt; but he has built a hotel there which, according to the estimates I have heard, with all the furniture in it, is worth nearly a million of dollars. He owns the Cartersville Railroad, some twenty-five miles long. I make the statement because it is universally understood; I do not think it is denied by his friends. Governor Bullock was authorized by an act of the legislature to issue gold interest-bearing bonds enough, not to exceed six millions of dollars, to take up the old bonds of the State as they fell due. I think the old bonds of the State falling due this year were, perhaps, $200,000; that is my remembrance. He has issued the whole $6,000,000 of bonds, and required the treasurer to sign them, which he refused to do. But he has got money for them in some way or other; so we are informed. What he wants of it I do not know; what he intends to do with it I do not know. But surely between $100,000 and $200,000 were enough to have had engraved for the redemption of the bonds that are due this year. I think the complaint was that he was obliged to issue some bonds to keep up with the expenditures of the State. Now, that is not true, for by examination

to the treasurer of the State you will find that according to all the showings the revenue is ample to pay the interest upon the bonds due, and to take up the bonds falling due now, if necessary. That might have been done with a part of these six millions. But to pay the ordinary expenses of the government, putting it at half a million of dollars, which is $175,000 more than it was for the last five or six years before the war, if I remember correctly, our revenue now is about $1,200,000, from taxes and from all sources. We have an *ad valorem* tax upon the value of property, and then we have a special tax upon liquors, shows, lawyers, and jackasses; as I tell them, they generally put them together. But the whole revenue amounts to $1,200,000, and then we are entitled to a rental from the State road of $300,000; but by law $150,000 of that rental is to go to the free school fund. But taking that out, and you still have left nearly one and a half million of dollars in the treasury subject to orders. Now, putting the expenditures at half a million dollars, and surely that is large enough; putting the interest upon the public debt to accrue this year, which is a little above $400,000; putting down bonds that are to be redeemed—and we have a clear surplus in the treasury.

Question. Before the war the condition of your State was very sound?

Answer. It was sound as a mackerel.

Question. The State was not in debt?

Answer. Not to hurt; it had a little debt; it has the most splendid public work in the South; of all the blundering ever seen, I think that about that public work takes the lead; Bullock called his right-hand man Friday down there and put him in the railroad, with Mr. Burnett, who has been before you here; and I suppose each of them knows as much about the running of a railroad as the learned pig Ben does about mathematics; but that does not make any difference; if they had been honest and faithful men they could have called in those to help them who did know about it; before the war that railroad paid $600,000 a year over and above expenses.

Question. What is the name of that railroad?

Answer. The Western and Atlantic Railroad, connecting with the Chattanooga and Atlanta Railroad; if you will take the map and look at it, you will see that there is a convergence of western and northern railroads at Chattanooga, and of eastern and southern railroads at Atlanta, and this link is the connecting link between those converging lines.

By Mr. BECK:

Question. How many miles long is it; 138?

Answer. I think it is about that; I was going to say over a hundred.

Question. And owned by the State?

Answer. Owned by the State; every dollar paid out of the treasury of the State; they took charge of it, and the first month, if I remember correctly, they paid in $25,000; the second month they paid in $20,000, and from that day to this they have never paid in one solitary quarter of a dollar.

Question. For what length of time?

Answer. I do not remember the precise time, it is going on two years.

By Mr. BLAIR:

Question. One would suppose that he would hardly have occasion to borrow money?

Answer. None in the world.

By Mr. BECK:

Question. Had not Campbell Wallace, the former superintendent of the road, been paying from $25,000 to $40,000 a month up to the time Blodgett took possession of the road?

Answer. I know he was paying something into the treasury, I will not state the amount; I know he had the confidence of the people; he was regarded as a faithful, honest man; I know he paid into the treasury, but I will not state the amount, because I have not the data before me, and I have not scrutinized them for some time, as I have the accounts of Blodgett; the people have been compelled to look at them, and try to stop them if possible.

Question. Has not the business of the road, both of freight and travel, increased during the administration of Blodgett?

Answer. Immensely. Governor Brown the other day, trying to vindicate the smallness of his rental, and giving the figures, admitted that the income for the month of March was $128,000. Now, if you will take that and multiply it, I think you will find that the income for a year will be over one and a half millions of dollars.

By Mr. BLAIR:

Question. You say Governor Brown?

Answer. Yes, sir; he now has it under a re-lease; a fraud on the part of democrats and radicals.

By Mr. BECK

Question. Blodgett paid nothing into the treasury after the first two months?

Answer. I have been informed so by the treasurer, and those who examined the record.

Question. And the freight and travel on that road have increased in the meantime?

Answer. Immensely; that is not denied by anybody.

Question. Were not three roads running from Atlanta south and east in connection with this main trunk; the Macon and Atlanta Railroad, about one hundred and twelve miles long?

Answer. Yes, sir.

Question. Was not that during the time paying a dividend of 12 per cent.?

Answer. A very fine dividend; much over legal interest.

Question. Was there not a railroad running from Atlanta to Augusta, paying from 8 to 10 per cent. dividend?

Answer. It was paying above legal interest; it was good stock; the stock was at par.

Question. Was there not still another road known as the Atlanta and West Point Railroad?

Answer. Yes, sir; or the Lagrange Railroad.

Question. That road is eighty-seven miles long?

Answer. Yes, sir.

Question. Had not that road paid a dividend?

Answer. It was doing well.

Question. Did not the business of these roads all converge into this main trunk as well as the net-work of roads converging from Chattanooga south?

Answer. They did.

Question. Is it not the fact that a floating debt of $700,000 has accumulated on that road in the meantime?

Answer. The treasurer reported some time ago that he had paid some four hundred and odd thousand dollars of the debt of the road, and he had no knowledge of the debts behind; perhaps those, with the debts that have been liquidated, amount to about $700,000; but where it will stop nobody knows.

Question. And in less than two years, under the administration of Bullock and Blodgett, a first-class paying road has been reduced so that it pays nothing, with a debt of $700,000 incurred upon it?

Answer. Yes, sir; and its engines and track and running stock run down.

Question. With freight and travel largely increased?

Answer. Yes, sir.

Question. And under that state of facts was it not confidently believed by the people of Georgia that they had been robbed by their governor?

Answer. By heavens! gentlemen, we know it.

Question. And is it not a fact that a body of men, composed in part of Georgians, and a portion of them being Columbus Delano, Secretary of the Interior; Simon Cameron, a Senator from Pennsylvania; and Mr. Scott, vice-president of a Pennsylvania railroad, while your road was in that broken down condition, obtained a lease of it for twenty years, from your legislature, at $25,000 a month?

Answer. They did.

Question. Is not that believed to be far below the true value of the road, except that the people were glad to get anything, in order to get rid of the robbery that was going on before?

Answer. That reconciled the people to the lease. Before they got nothing, and the debt was accumulating. Governor Brown is the head of the company, the only man who perhaps before the war was guilty of treason, for he captured the public property before Georgia seceded, and was perhaps the bitterest man, during the war, to Union men, of whom I was one; and now I am denounced everywhere by that same class of men, who come here and get forgiveness from the Government; I am denounced as disloyal to the Government I tried to save, because I did not stand there and see them plunder our Government.

Question. Those men got your road under those circumstances?

Answer. They did.

Question. And it is believed by your people to be a combination, and while better than the Blodgett one, still a fraud upon the people?

Answer. Well, they do regard it as a terrible fraud.

Question. Are not one and a half shares in the name of Kimball, and one and a half shares in the name of Joe Brown?

Answer. I may have seen the schedule, but I cannot tell now.

Question. Was it not understood that the half shares were held by the governor?

Answer. It is understood that Bullock is one of the lessors of the road.

Question. There are some eighteen or twenty of them?

Answer. Yes, sir. But his name is not there ostensibly as a lessor, though I have no doubt of it.

Question. Do not the people of the State of Georgia, taking into consideration the corruptions of the government, its mal-administration, the wrongful exercise of the pardoning power by the governor, the robbery of the finances of the State, and its indebtedness, do not the people feel themselves plundered by the men who ought to protect them?

Answer. They do.

Question. And is there not great discontent prevailing all over the State, growing out of that system of administration, which, if it was removed, and the State put into the hands of honest men, would reconcile your people?

Answer. I do not doubt it. I think if ever a people on the earth prayed for good government, it was the South. Why should we not pray for it? Our cities were burned, our slaves were emancipated, our stock was destroyed, and we needed good government for our own recuperation. We need the blessings of power, not its curses.

Question. Is it believed by the people of Georgia that that road is worth from $50,000 to $75,000 a month, with any fair management?

Answer. Let me answer that question by a figure or two. Governor Brown, in trying to excuse himself about the meanness of the pittance paid into the treasury, put down the gross income for the month of March at $128,000. He put down the common running expenses of the month, if I remember correctly, at $124,000, in order to make the thing plausible; in that, perhaps, he included the rental. You see that made a very plausible showing, and by it the profits were very small. I wrote to a friend at Atlanta to employ some man to get into the record—it is difficult to get information about these things—to get into the record without knowledge of what he was at, and send me the running expenses of the road under Wallace's administration, when Joe Brown was governor of Georgia before the war. He did this from the record, and I afterwards published it in our State papers. According to that record the running expenses of the road were a little over $30,000. In order to deceive the people Brown had put in his ordinary expenses the purchases and refitting of the road, and everything of that sort, for which he is to be paid by the State; every improvement made on the road is not out of his own pocket, but is paid by the State. You know that in ancient times we had in Georgia what was known as the Yazoo frauds, the legislature granting away lands; the people of the mountains of Georgia poured down by the hundreds, and with a glass, by fire from the sun, burned up the deed of conveyance by which those lands were given away. If they were justified in that, I think we would be in burning up this lease.

By Mr. BLAIR:

Question. Is it believed that this lease was made to these potential men in the Government here with any view to their using their influence to sustain Bullock and his people in power in Georgia?

Answer. Well, sir, we could not help having those suspicions. To say that we know it would perhaps be too strong language; you can see it as well as we can.

Question. They are directly interested in maintaining Bullock in power?

Answer. It seems to us so, and they have influence at headquarters. I sometimes pity General Grant, for I suppose that he has an honest heart, and a desire to do all a man can for the people. But he is so beset by men who have projects of their own, rings of that sort, that he cannot get the truth, never does get it. I know how it is with men in power.

By the CHAIRMAN, (Mr. POLAND:)

Question. I desire to ask you a very few questions, and only a very few, upon a very few of the subjects that you have talked about, because they are entirely outside of our inquiry; and I want direct answers to my questions. About this Ku-Klux organization; when do you think it was first started?

Answer. Well, that is a very hard question to answer; there have been some little violations of the law and depredations all along ever since the war.

Question. When did these bands of men that go about in disguise to commit these acts of violence—when did they first make their appearance in your part of Georgia?

Answer. I suppose it has not been over about eighteen months since I first had knowledge of or believed there was an organization of that sort, a local organization.

Question. How local do you think those organizations are; is there an organization which extends through a county, or some smaller territory than a county, do you think?

Answer. I think the largest one in my own State, anywhere across the Chattahoochee, I think that the largest is the one along the line in the county of Chattooga; I think there are more men in that one.

Question. Do you think that is an organization that extends through the entire county?

Answer. I think it does; I think there are men in it that live in the county of Chattooga, some perhaps in Walker County, and a great many along down just across the line of Alabama, for the State line runs along through there; I think there are some in Walker County, some in Chattooga, and some in Alabama. I think there are a few in the county of Floyd, along about the line between Floyd and Chattooga.

Question. Do you believe this is one organization, or several organizations?

Answer. I think it is one organization; that is, I think they have among themselves a general understanding that upon notice they are to convene.

Question. If I understand your idea, and I wish to understand it exactly——

Answer. I want you to understand that I do not know this to be so, but I really believe it to be so, and I am bound to tell the truth.

Question. I am only asking your judgment; I do not understand that you have personal knowledge of this organization.

Answer. I certainly do not belong to it, and know nothing personally about it.

Question. Your idea of the formation of this is that it was in the interest of peace and order, and to repress any disturbance that might arise among the colored people?

Answer. That is my honest, candid conviction. I have conversed with men who I believed were leading men in it; I do not know that they are so, but I am sure from those conversations and the indications that that was the original object.

Question. But it was mainly with reference to the condition of the colored people in your community?

Answer. Yes, sir; I would say mainly, but also with reference to the whites; it has frequently fallen in its power upon the whites.

Question. Well, if there had been no colored people there, you do not suppose it would have been formed at all?

Answer. No, sir; because the dangerous element in society would not have been there to that extent.

Question. You are fearful of outbreaks and acts of violence among the colored people?

Answer. Not so much that.

Question. You say that you feared the influence of some bad white people upon the colored people?

Answer. Yes, sir.

Question. And the outbreaks that were feared were outbreaks among the colored people?

Answer. Yes, sir; exciting the colored people to violence, to burnings, sometimes to killings, and things of that sort. You see there has been a great deal of property that has been burned, and we do not know who burned it. We suppose it is the blacks who have been put up to do it, but we do not know it is so. Occasionally a man was killed, as in the case the other day; but then we run that man down and know that he was a negro.

Question. That was an ordinary case of robbery and murder?

Answer. Yes, sir.

Question. The act you speak of as occurring the other day, where a negro killed a man in the road and robbed him, was for the sake of gain, like ordinary robberies?

Answer. Yes, sir.

Question. It is not supposed that he was put up to that by any white man?

Answer. No, sir; we do not know of any. Now, I think the object of this Ku-Klux organization would probably have been to execute summarily any white man that might have been identified with that; perhaps the negro also. I think that would come within the purview of their operations; but that was not done in that case, and he is now in the hands of the law.

Question. Has there ever been any difficulty in your country, where a colored man committed a crime, in prosecuting him and convicting him?

Answer. None, I think; they have been sometimes too easily convicted, I have thought.

Question. Your idea was that this organization was to prevent the commission of crime?

Answer. That was the view I had of it.

Question. Do you think this organization has ever gone beyond this limit of preserving peace and order? Has it ever been guilty of outrages and acts of violence for which there was really no excuse at all?

Answer. In my opinion they have been the cause of it; for instance, this young man I told you about; without the wiser heads they committed an act of outrage in killing that negro, which was wholly unjustifiable.

Question. You say that you understand in that case, your client told you, that they were not a part of the regular organization?

Answer. He said that they were not the regular Ku-Klux. I think his remark was, "We were our own Ku-Klux," or something of that sort.

Question. Whether they were members of the regular organization or not you do not know?

Answer. I do not know; they possibly might have been.

Question. Do you not believe that this regular organization or portions of this regular organization—I suppose the whole organization does not ever go out at once—do you not believe that they have committed a great many acts of violence where there was really no proper excuse for it?

Answer. Well, in one sense of the word they have. For instance, in releasing that person by violence, and taking Judge Kirby from his bed; in one view of it that was a terrible act, because it was revolutionary, very, in its tendency. He was a judge of the superior court.

Question. I do not refer to that.

Answer. Do you mean whether there have not been individual cases?

Question. Yes; where they have killed people or whipped people, when there was really no danger to the public peace that required them to interfere.

Answer. Yes, sir; I know of one instance; one particularly that I think was a bad act, where a white man was whipped for helping a negro in a fight, I think, between a white man and a negro; and, from the best information I could get, the negro was right. The white man helped the negro a little in the fight, and they whipped him, so I was told. I do not think it was well done.

Question. Now, to come to that case you spoke of, where you say you were consulted by this young man; was there any charge that that negro had done anything wrong?

Answer. Nothing at all; he had done nothing; just his talking was all.

Question. He had talked large about the Ku-Klux?

Answer. Exactly.

Question. As to what fight he was going to make with the Ku-Klux?

Answer. That is correct.

Question. Had he ever been attacked in any way by the Ku-Klux?

Answer. I never heard of it.

Question. But some of his race in that vicinity had been?

Answer. Yes, sir.

Question. And he had talked violently about what he would do?

Answer. That is about the truth of it.

Question. And thereupon these young men went there and got him to go with them to fight the Ku-Klux?

Answer. Yes, sir; he supposed they were northern men, and that he was going to ku-klux the Ku-Klux.

Question. And getting him out without anything being done, they killed him?

Answer. Yes, sir; whether they shot him or stabbed him I do not remember.

Question. Have you any information of any case where anybody has been punished for any act done by these disguised bands?

Answer. Yes, sir; I know of three that were sent to the penitentiary; I defended them with all the power and ability I had on earth.

Question. Do you mean the three that Mr. Forsyth prosecuted?

Answer. Yes, sir.

Question. Do you think that was one of these regular Ku-Klux proceedings, or was it really a robbery?

Answer. Well, sir, I have reason to think that two of the men convicted and sent to the penitentiary were radicals, belonged to that party; and I have reason to believe, from what I was told by men who I think know, that the other had occasionally been with the Ku-Klux. I defended them, and I say now under oath that I do not think they ought to have been convicted. I have no idea that their purpose was robbery with intent to steal. They took, by violence, some pistols, knives, and old United States muskets, I believe, and one thing and another, from the negroes, just to devil them a little, as we say there, to scare them with their Ku-Klux operations just for their amusement. They took from a man a flask of whisky and made him take pay for it, although he did not want to; they made him sell them the whisky. They took from another man a watch, and told him at the time that he need not be uneasy about the watch, for they would return it by the next Saturday, that all they wanted it for was to tell the time. I think they were convicted improperly.

Question. What did they intend to do; what was the real object and purpose of that transaction, according to your information?

Answer. I regarded that particular transaction as a kind of drunken frolic; the three were young men, and two of them did not look like men who were of age.

Question. It was not to redress any outrage that had been committed, or any danger that they feared?

Answer. No, sir.

Question. Were the men attacked quiet and peaceable?

Answer. So far as I know.

Question. There was no charge of any offense against them?

Answer. I know one of them, as black as a mink, was quite witty. They put him on the stand, and as he came down I asked him his name; he said his name was John

Wesley. I threw up my hands and exclaimed, "The father of the Methodist Church!" He instantly replied, "No, the father of the Hard-shell Baptists." As I was a Baptist, he got the laugh on me among the lawyers there particularly. These young men alarmed the people they visited, showed their pistols, told them how many people they had killed, and I do not know what all; they were all very much scared. I regarded it as a drunken frolic, with no intention of robbing. But there was a desire to convict them, and they were convicted.

Question. Were there others there?

Answer. There were no others, or if there were any more I did not hear of it. Two of those who were convicted I was told were radicals; one of them I was told privately had been with the Ku-Klux sometimes.

Question. Of the regular organization of Ku-Klux, among the men who really belong to the order, do you understand that there are any radicals among them; any radicals among the regular organization of the Ku-Klux?

Answer. I do not suppose there are.

Question. You never heard of any?

Answer. I do not think there are any; what little violence our radical friends have done there, either the negroes or their friends, has been done without disguise.

Question. They have no order?

Answer. I do not think they have any order. A while ago they had what was called the Union League. When the League first came out there, application was made to me to join it, when it was about to be instituted in my State. I had friends in the order, and I had several boys, about grown, and they were asked to join. Well, my opposition to secret societies of every sort was one reason why I did not join; and another reason was that I did not know where it would go to. I expected then, however, to act in support of the republican party. My boys thought of joining it, and one of them spoke to me about it. I told him that he had better keep out of it; that he could not tell where it would go. One thing I said to him, "I know, my son, that these secret organizations are all dangerous."

Question. Your sons did not join it?

Answer. No, sir, and the thing run through in a little while.

Question. It did not last long?

Answer. No, sir. But in justice to them I will say, that if they did any harm I have never heard of it.

Question. Have you heard of it being in operation there since 1868?

Answer. I have no reason to believe there is anything of the sort, and I have heard of no violence by the Leagues there.

Question. Except in the instances you have mentioned, of the three persons who were convicted, have you known of anybody who has been tried for any of these acts that were committed by these armed and disguised bands, Ku-Klux, as they call them?

Answer. I defended two men at the last superior court in Floyd County, one by the name of Moore, and the other by the name of Wright, no relative of mine; he was a stranger to me. They were tried for shooting a negro, about 9 o'clock at night in the city of Rome. He was Ku-Kluxed, as they call it, right in the broad street; that is, the negro testified that two men in disguise attacked him, that one seized him, that the other stood by, but he was not sure about the third man; he saw but two. He said that they told him that if he opened his mouth they would kill him, but if he was quiet there would be no damage done to him. Well, the fellow commenced fighting with all the power he had in the world, and hallooed "murder" at the top of his voice, which was very natural, and I think a very wise operation on his part, although it might have involved murder, for they shot him but did not kill him; it so happened that two balls ran around his skull.

Question. Some of the men were tried for that?

Answer. Those two men were tried, but not convicted. I must say they proved most conclusively an *alibi*, if witnesses, and credible witnesses, are to be believed.

Question. That was not a very considerable band engaged in that transaction?

Answer. No, sir, only those two that the negro knew of; I do not know whether they were the regular Ku-Klux or not.

Question. According to your idea of it, this organization is formed merely for the purpose of keeping the peace in the locality where the organization exists?

Answer. Yes, sir, and punishing outrages and violence. I think they had a little idea of taking the law in their own hands in very great emergencies.

Question. It was organized not only for the purpose of preserving the peace, but to preserve it by punishing offenses?

Answer. Yes, sir, and in an unlawful manner. For instance, I am informed that they took a negro the other day and whipped him just simply for asking a white woman to have connection with him. She refused, and told that he had done so, and they got hold of him and whipped him; of course they had no right to do it.

Question. Are you sure that his offense extended so far as that; was it not for using some uncivil language to her?

Answer. No; according to the report that I heard he wanted to copulate with her. It may not have been the truth, but that was what was told me.

Question. Have these organizations anything else in view except matters in their own localities; in your opinion do they have any reference to general politics?

Answer. I do not think they have; I am bound to swear that. I do not think there is anything in any order I know of intended to keep the negro from the polls.

Question. Has it any reference to matters of general State policy in any way?

Answer. I do not think it has any reference to that.

Question. Has this conduct of Governor Bullock in reference to railroad bonds, or any matter of that sort, had anything to do with this organization?

Answer. I do not think it has anything in the world to do with it; I may be mistaken about that. I heard a very good radical swear not long ago that he would be damned if he ought not to be Ku-Kluxed.

Question. That Governor Bullock should be Ku-Kluxed?

Answer. Yes, sir; he was a radical, and an honest man.

Question. I think you could find men out of Georgia, perhaps, who do not think very well of Governor Bullock.

Answer. O, I hope so.

Question. What I want to know is whether these organizations and their transactions have any reference to the alleged misconduct of Governor Bullock?

Answer. I declare I do not think they do. But that calls to my mind another thing. I heard a man say some time ago that they ought to make an organization and Ku-Klux Brown and those engaged in that lease.

Question. You, yourself, do not know anybody who has thought that the proper remedy for Governor Bullock was the going out and whipping and killing negroes?

Answer. I do not think anybody ever thought that; I never heard of it. Let me tell you another thing. I did understand that there was a body of Ku-Klux in the lower part of the State that went to the city of Augusta and got in the cars, supposing that Governor Bullock would be in them on the same trip, perhaps had been to New York negotiating some of these bonds, and that he would be there, and they would wait for him. Providence helped him that time, for, if he had come along just then, he would have gone the way of all flesh.

Question. They were after Bullock himself?

Answer. Yes, sir.

Question. Nobody believes that these things, of which you complain, can be remedied by going out and whipping and killing negroes?

Answer. O, no.

Question. Nobody has thought that to be a remedy?

Answer. No, sir.

Question. Nobody has pretended that that would be a remedy?

Answer. I do not think they have; if so, it is beyond my knowledge and my belief.

Question. You do not yourself think it is any remedy?

Answer. I do not, conscientiously. If there is a man on the face of the habitable earth that sympathizes with the black man, I think it is myself; he is entitled to the sympathy of every good man on the face of the globe.

Question. If I understand you, you yourself do not belong to this organization?

Answer. I do not, and never have belonged to it.

Question. You do not believe in its necessity?

Answer. No, certainly not, as a general thing. I will not say that circumstances might not occur in our condition in the South where violence might be resorted to.

Question. Take into consideration your condition as it is; take things as they are?

Answer. I would disband everything of the sort; tell them to go home and stay there.

Question. Have you used your influence as much as you could; have you exerted yourself, for the purpose of having them disorganized; have you tried to exercise any influence for that purpose?

Answer. Now you ask me "as much as I ought to;" that is a very difficult question to ask.

Question. I did not put in that qualification. I asked if you had exerted yourself as much as possible to have that done.

Answer. I have not. I could have exerted more influence, I suppose. I have gone so far as to warn my boys to keep out of it. One of them was run for mayor of the city of Rome. I warned them again and again to keep out of it, and not to have anything to do with it.

Question. I understand you to say that you have not felt as though you were bound to exert yourself in this matter, inasmuch as you were disqualified from really participating in the Government; you really did not feel that the Government had a right to call upon you to use your influence against these organizations to the extent that it was in your power to do?

Answer. Well, I am not satisfied with the Government and its attitude towards me at all. Whether I can say that ——

Question. I understood you to say that.

Answer. Maybe I did; that is bringing it in a very direct attitude, and I want to answer you according to the truth. Dissatisfied as I am, with a large portion of the intelligent people of the South debarred from all participation in the administration of the Government, I have felt a great deal like the Government was my enemy; like it did not do me justice. I have not felt for it the same reverence and affection that I did before the war, even that I did during the war, while I was a member of the confederate congress. For, as God is my judge, there was not an hour when the flag of the Union should not have floated over every foot of our territory if I could have controlled it.

Question. Have those feelings prevented you from exerting your utmost influence to stop these things?

Answer. Well, I think they have. I think I have been comparatively indifferent; sort of don't care about it.

Question. Have any other persons in your position failed to exert the influence they could have done against these things?

Answer. I think they have; such men as Toombs and others. He is a very active, ardent man, and is very apt to curse when things don't please him, like my friend, General Blair, here.

Question. My democratic brethern will bear witness that I have been a very active person in trying to get the removal of disabilities. I have asked you these questions in good faith.

Answer. I know they are asked in good faith. I have not exerted myself as I might have done, I know

Question. And others have not done so?

Answer. I think they have not. But I do not think we could have put these things down if we had exerted the whole of our influence. In the present state of things I do not think we could put them down entirely, and keep them down. I think if the necessity occurred these acts of violence would be again called into requisition.

Question. Do you not believe that if yourself and all of the class of men like yourself, who exercise leading influence in the different localities of the State, were to exert yourselves to have this organization stopped, there would be nothing except an occasional outrage; for there might be an occasional outrage that would call for the rising up of the people to put it down—but if all the good, steady people in your country were to say that these organizations ought to be put an end to, that there was more evil than good came from them; do you not believe they would be stopped, that there would be no existing regular organization of them?

Answer. It would have a very powerful influence that way; those are very controlling men in society, and they are obliged to be; they are men of intellect, worthy in every way, men of good moral standing. I suppose it would have a great influence in that way; I have no doubt of it, none in the world.

Question. One word about Governor Bullock, and I do not desire to go largely into that matter. You say he issued two and a half millions of railroad bonds?

Answer. Yes, sir, for the Brunswick and Albany Railroad.

Question. Was there an act of the legislature authorizing the issue of those bonds?

Answer. Yes, sir.

Question. To aid in the building of the road?

Answer. Yes, sir.

Question. The road has been built?

Answer. Yes, sir, and said to be so out of the proceeds of these bonds alone. The facts show that the proceeds from these bonds alone built the road, without any outside help.

Question. The legislature authorized the issue of those bonds?

Answer. Yes, sir, that is correct.

Question. As I understand it, the governor has violated no law in issuing those bonds?

Answer. None; I think they were issued according to law.

Question. The legislature authorized the issue of those very bonds, but you think he has issued them in advance of the time when he was authorized to issue them; that the contingency contemplated by the law had not happened when he issued those bonds?

Answer. I am sure he has issued them in advance of the time.

Question. Now, about the leasing of the railroad to these Pennsylvania parties; that lease was authorized by an act of the legislature, was it not?

Answer. Yes, sir, it was.

Question. And by the present legislature?

Answer. There is some doubt as to which is the present legislature. It was authorized by the last one that assembled at Atlanta. But there is some doubt, from the construction of the constitution, whether that legislature holds over, or whether if the governor should now call a session of the legislature the members last elected would come together.

Question. In the legislature which did pass the act authorizing this lease, was it made a party question?

Answer. Well, I cannot say that it was. I think it was regarded by the community, by the common toiling masses, who had understanding of the matter and took occasion to examine it, as a kind of combination between the head men of the democratic party and the radicals to plunder the people.

Question. You do not understand that in passing the act authorizing that lease to be made it was considered a party question at all?

Answer. No; I would not say it was. I know it was not strictly a party question.

Question. Was it in any sense a party question?

Answer. Well, I think some of the democrats bolted, not many; because a leader of the democratic party from my city, Scott, regarded as the leader in the house, introduced the bill, and I think the democrats finally came up to it. I do not think Captain Scott was corrupt, the member from my city; he is a man of social habits, and I think he was used by Ben Hill and the others; in fact, he admitted it in his speech.

Question. This lease of this railroad which now exists was made under the authority of an act passed by your legislature?

Answer. It was.

Question. How is the continuance of Governor Bullock in office to have any effect, either one way or the other, upon the existence of that lease?

Answer. Well, you see there was another company——

Question. I want a definite answer to my question.

Answer. Well, regularly, Bullock would not be—well, I do not know that he would in any regard; I do not think I need make that explanation, for I do not think it would affect it materially.

Question. This lease is made in pursuance of an act of the legislature?

Answer. Yes, sir.

Question. And therefore no subsequent legislature or subsequent governor can alter the terms of that lease?

Answer. That is a legal question, and a very considerable legal question. In the first place, I do not believe the lease was legal; I think there is fraud enough in it to vitiate it.

Question. If that lease is void, in consequence of its having been made fraudulently——

Answer. Also upon a legal point.

Question. Well, upon a legal point; it is equally void whether Governor Bullock is continued governor or not?

Answer. Unquestionably, that is correct.

Question. If a subsequent legislature should direct that the validity of the lease should be contested, it would be contested whether Governor Bullock were continued in office or not?

Answer. Incontestably; and it is being contested now by the other company that made a bid; legal proceedings are now pending.

Question. So that whether Bullock continues in office or does not continue in office, that can have no effect upon the validity or continuance of that lease?

Answer. None upon the face of the habitable earth; he is out of that clear.

By Mr. BLAIR:

Question. Suppose that, Bullock being in office, a subsequent legislature should attempt to repeal this act, and Bullock should veto it?

Answer. Well, in that regard, it might be well to get him out.

Question. Is it not very well for those interested in continuing this lease to keep him in office?

Answer. In that view, it would be necessary.

By Mr. BECK:

Question. Might not the books in the executive department, if continued under his control, be so managed as not to display the attempt at fraud perpetrated in procuring this lease, or the mismanagement of this road and its then condition, which might be displayed under a governor hostile toward such operations?

Answer. Of course the facilities for examination might be greater under another governor.

Question. The chances for aiding an examination into the matter might be very much better under a governor who is an honest man and not friendly to this operation?

Answer. I think so.

Question. And in that regard, it might be quite well to have a friend in the executive department?

Answer. It would indeed. Now let me say another thing: democratic bowels can be moved by gold-covered pills as well as republican bowels. A large portion of this $93,000 paid for proclamations has been paid to democratic newspapers; and a large portion of the $36,000 of fees paid out by Bullock has been paid to democrats. Bullock is a man who understands the weaknesses of human nature as well as any man

in the world; and that makes him more dangerous to the toiling masses, both democrats and republicans. He ought to be out; the good of the country requires it. I am sorry the President does not have power to remove him. However, I will not say that, because it might involve a general power to remove governors. But that particular governor I should like to see out powerfully myself.

By Mr. BLAIR:

Question. Are you not sorry that anybody should have had the power, except the people of Georgia, to put him in?

Answer. I am; I do not think he could have ever been governor except for the Federal Government.

Question. And he could not remain there without their help?

Answer. I do not think he could.

Question. I understood you to say, in answer to some question by the chairman, that the leading men of Georgia could suppress these disorders by uniting against them.

Answer. I say they could, to a very great extent, but not entirely; that would be about the answer to that question.

Question. My question is, could they make the people of Georgia satisfied with the government as it now exists?

Answer. They could not.

Question. With the government that is plundering them?

Answer. No, sir; they would lose their total influence if they undertook to satisfy the people with the administration of the laws carried on there now; the people know that they have not a good government.

Question. I understood you also to say that these outrages which have been committed do not originate in any sense from Bullock's frauds upon the people, and his plundering the Government?

Answer. I do not think they do.

Question. Do not these frauds and the maladministration of the State government continue the dissatisfaction of the people of the State?

Answer. They certainly continue the dissatisfaction, and increase it greatly. There was some dissatisfaction without reference to Bullock being governor. Of course, the people of the South are not satisfied with the amendments to the Constitution, but they are submissive. I have never heard any man intimate that he ever proposed to change the Constitution in any way but by the ballot. But if we had the power today, we would put limited suffrage upon the negroes. A negro who could pay ten dollars tax into the treasury, I think, the people would be willing to have vote; that would keep the rabble out. But the body of that race are mere rabble; a good-to-do negro is the exception. With the white race, the well-to-do is the rule, and the vagrant is the exception. Now, out of a thousand negro voters in my county I can count a dozen that can exercise the ballot with some degree of understanding—not over twenty; the balance, I think, cannot appreciate it or understand it.

Question. Is not the best mode of restoring peace and quiet and order, and the rule of law in the State, to give the people of the State the right to regulate their own affairs in the same way that the people of other States have?

Answer. That would satisfy them instantly, under any kind of obligation the Federal Government would impose upon them to protect the negroes; and left voluntarily to themselves, I think they would open up to him every office in the gift of the State. But look at the race, just out from slavery; we feel and know, or we believe we know, that there can be no good government where they make so large an element in society. Up here the negro does not make any difference with you whether he votes or not; he is a small element. But in the South, in many of the States, he is the preponderating element. In my State he will vote about 90,000 out of 200,000 votes. Now we do not look for any good government while the negro is in so large a preponderance as that. I entertain no doubt that the democratic party could control a majority of the race, that they can adopt that line at once, and use him against the republican party, by putting him in. But they do not see any good government ahead in that case; as a permanent element he is without any capacity to use the ballot. We would just as soon expect to have a good government with the negro using the ballot as the commune in Paris. We have no idea we can have good government with the negro element in when it is so large. Now, to say that we purpose resisting forcibly is not true; we will submit to that government if the Federal Government puts it upon us, and do the best we can with it. I do not believe there ever has been or will be an organization made to keep the negro away from the polls. And I think that ultimately the democratic party will be provoked into using the negro, but I think it will greatly demoralize all the political elements in the South. We will have no good government, but divide up into combinations and into rings, for robbery and all that sort of thing, with occasionally a little fighting, as all ignorant communities have. I was educated in the belief that virtue and intelligence both combined were necessary for running the machinery of a government. Our fathers believed it was necessary to put some

restriction, some limit, upon the use of the ballot. And down to within the last ten years, I believe, there was some qualification on suffrage in some parts of the United States; they were not willing to trust to universal suffrage; they were afraid of it. But they were trying the experiment of universal suffrage in most of the States when this war came along. I think the last State had then agreed to abolish all qualifications on suffrage. I know that in my State, within my memory, a man had to have a property qualification in order to vote and to hold office. But finally we wiped it all out, and said to the whole white race, "Come in and take your chances." But we do not think that the negro is fitted for self-government. We are very much dissatisfied with that part of the constitution, because we think it destroys the independence of the States. I wish I could put a hundred thousand negro voters in Massachusetts a little while, and let them feel it just as we feel it, and see what they could do with them. If it is intended as a punishment for rebellion, all well and good; it is a strange sort of punishment, a new grade of punishment, this giving the rebels bad governments because they did rebel. The old rule of law was to hang a few of them, punish the dangerous ones, and forgive the balance. And, as I told my brother fire-eaters, if they had hung a few of them, and forgiven the balance, it would have been better.

Question. There has been some testimony here in regard to what is called impudence on the part of the negro; that it was resented much more readily from them than impudence from white people.

Answer. I think that is true.

Question. Is not that the rule elsewhere than in Georgia?

Answer. It is, according to my observation.

Question. Would it not be so here?

Answer. I have no doubt about it.

Question. Would it not be the same in New York or Vermont?

Answer. I do not think my benevolent friend over there would stand it quite as well from a darkey as he would from a white man.

Question. Is it not so in regard to all persons who occupy a dependent position?

Answer. I think so, and a little more so in reference to a negro, from this sense of inferiority of the race.

Question. Now, in regard to the manufacturing districts of New England — have you ever been there?

Answer. Not much; a little.

Question. Do you think the mill-owners there, in Vermont, for instance, would put up from their operatives with the same that they would from an outsider?

Answer. I have no idea they would, from my observation of the race.

By Mr. POOL:

Question. You say that you do not look for a good government in the South as long as the negro is in. What do you mean by the negro being in?

Answer. If the negro had the unrestricted use of the ballot—that is, without any qualification, the whole body of the negro race let in; that is what I mean. I do not mean that there will be Ku-Klux organizations, and all that sort of thing; but that we do not think a government resulting from a constituency of that order would be a good government. Like people like representatives, is the rule in republican governments, or is said to be. We think that with such a constituency as that the representatives would be feeble and wanting in capacity as statesmen, and the government would be bad and corrupt.

Question. Is it your purpose to change that if you can?

Answer. By the ballot alone. I am bound to say that if I had the power I would change it, but by the ballot; I would appeal to the good sense and judgment of the American people and ask them to change it, not from any hostility to the race, for I would have greater objection to the Chinese.

Question. You think that restrictions should be put upon colored suffrage?

Answer. I do.

Question. You have no purpose to lay any restriction upon white suffrage?

Answer. None, because all restrictions had been removed from the white man; but to give the unrestricted ballot to the colored man, I do not think was just. I think it ought to stand where it is with the white race, because we had got to universal suffrage with the white race. But this matter of suffrage with the negro is an experiment, a new thing, and I cannot see why he should be put upon better terms than the white men both of Europe and of this country, for the white race has until lately been subjected to qualification upon the right of suffrage.

Question. You say that your purpose is to change; of course by the legitimate process of the ballot——

Answer. Just as I would the tariff or any other question.

Question. You would change the law so as to put a restriction upon colored suffrage and not upon white suffrage?

Answer. Yes, sir.

Question. That would be making a distinction on account of color, race, or previous condition?

Answer. No; I would not put it upon that ground; I would put the restriction upon the ground of his incapacity. I regard color as an incontestable evidence of that incapacity.

Question. You would put the restriction upon the line of color?

Answer. Upon the line of color as an evidence of his incapacity.

Question. You then propose to change the fifteenth amendment to the Constitution of the United States?

Answer. I do, if I can.

Question. You would do that by the ballot?

Answer. I would, by persuading the people that it was right.

Question. You said that the democrats might be provoked into using the negro?

Answer. Yes, sir.

Question. But you think it would demoralize society and divide men into rings and squads for robbery?

Answer. Not robbery exactly, but that the government would be corrupt, and there would be rings formed.

Question. You think that would be the result of the democrats endeavoring to use the negro vote, if they should be provoked to it?

Answer. Yes, all the white race generally, and they are most all democrats down our way; very few of them but what are democrats. This new departure of the democracy rather indicates that we shall abandon the contest on that subject. Well, if they do, my opinion is that the democrats will put up with the negroes and use them.

Question. Have not these Ku-Klux operations already influenced the vote of the negro?

Answer. I do not think they have; I have no reason to believe that they were ever meant to control his vote.

Question. Do you not believe that in parts of Georgia, in consequence of these operations, the negroes would be afraid to go to the ballot-box if an election should occur now?

Answer. I do not; I will be swamped if they are afraid in my town, and I have no evidence that the negro has been terrified anywhere away from the ballot-box. It may have occurred; I do not say it has not; I reckon it has; I have no doubt that in places violent men have run them off. But I do not believe this order was intended to do it.

Question. Have you not heard of repeated outrages by this order upon colored men, such as scourging and whipping?

Answer. I have.

Question. In all parts of the State?

Answer. Well, in different parts of the State.

Question. Have you not heard that those who commit outrages upon them spoke of their voting when they committed the outrages?

Answer. I have never heard that that was given as a reason; it may have been.

Question. Is it not generally the allegation when an outrage is committed?

Answer. That it was done on that account?

Question. Telling them that they must not vote the radical ticket, or some reference made to their voting the radical ticket?

Answer. I declare I do not think so. For myself, I have never expected that the negro would vote the democratic ticket; to tell the truth, I sort of thought that he ought to vote for the radicals, who gave him the ballot, and that he should support them.

Question. Have you not heard that when these outrages have been committed upon negroes, the question of their voting has been mentioned and referred to by those committing outrages?

Answer. I do not think I have; if I had I would tell you; I would have no hesitation in telling you. I would fight an organization formed to keep the negro away from the polls with all the power I have in the world.

Question. You might as an individual?

Answer. I think all our leading men would, such men as Stephens and Toombs, and those men would be with me.

Question. You say this regular Ku-Klux organization, in your opinion, is not a political organization at all?

Answer. I do not think it is; I have no reason to believe there is any politics in it.

Question. It is an organization formed of one political party alone?

Answer. I think it is, but then that party constitutes the whole body of the white race in my country.

Question. Can you conceive it possible in this country that an organization secret in its character, formed of one political party alone, should operate, without any party or political bias in its operations?

Answer. It would not among the white men in the Northern States.

Question. Those who belong to the organization in your State are white men?

Answer. Yes, sir; but down South the great body of the democratic party are white men. This organization was not formed with reference to controlling political action; I have no idea it was. It may have been; I would not swear it was not; but I do not believe it.

Question. I am not speaking of its purpose at all; I asked if you think there could be any large body of men under this Government, bound together in secret, composed entirely of one political party, and operating by force, without having a political cast in their operations?

Answer. Well, "a large secret body," you say?

Question. As large a body as the Ku-Klux in Georgia.

Answer. As I told you at the outset, I do not think there is any connected association in Georgia, but that these are local demonstrations. As I told you, there is one over in the county of Chattooga, in my opinion. But I do not think there is any general organization over the State; I have no idea there is.

Question. I want you to answer my question. Do you believe that so large a body of men as the Ku-Klux organization is in the State of Georgia, and formed as they are of one political party alone, can operate as they operate without some political bias in their operations?

Answer. Well, I should think there would be some little political bias about it, perhaps.

Question. Some reference to voting?

Answer. Yes; there would probably be some reference to voting, and it might still not be with reference to using force. I suppose the body of the democrats would try to control the negroes.

Question. But these Ku-Klux do use force and nothing else?

Answer. I have never known them to use force to control a vote.

Question. Do they use anything but force in their operations?

Answer. Not generally; they are a party of violence.

Question. Do you mean that their operations are free from any effort at political effect?

Answer. I would not say that they are free from any effort for political effect.

Question. Do they make any effort except by force?

Answer. They use force to accomplish certain purposes, to whip a white woman and a negro man living together in a state of adultery; you may say that has a political bias, and perhaps it has.

Question. I have not said so.

Answer. I did not know what construction you might give to it. But I say again, that if the organization was ever used for the purpose of keeping the negro away from the polls, it never came under my observation, nor do I believe it ever has been, except in isolated cases.

By Mr. COBURN:

Question. Do you mean on the day of election or at any other time?

Answer. I mean in both cases. I have no doubt that some men have said to the negroes, "You work for me, and you must vote for me."

By Mr. POOL:

Question. That is, not on the day of election?

Answer. No.

Question. Have you known instances when the Ku-Klux organization proper has committed an act of violence on a member of the democratic party?

Answer. Let me think now about it. Yes, I know one instance where, if I got the truth, they whipped a man for Ku-Kluxing without permission of the head man, as I was told. He went upon his own hook and committed some little depredations about. I knew him as a boy, and I regretted very much to hear of it; he was a very good fellow. I was told they whipped him for Ku-Kluxing without permission, and in that way bringing discredit upon what they called the Ku-Klux.

Question. Have you ever heard of any other instance?

Answer. I cannot say now certainly. They whipped a white man some time ago, who, as I said, helped a negro in a fight; whether he was a democrat or not I do not know; I think he voted the democratic ticket, but I am not sure of that. I think he helped the negro in a fight between a white man and the negro; and, as I remarked a while ago, from what I could hear I am disposed to think that the white man who was fighting the negro was wrong.

Question. Those are the only two instances that you can recollect?

Answer. Well, let me see again. I know of their threatening to whip a man who votes with the democratic party, a man pretty high in society. They threatened to whip him. He is a doctor in pretty good society. He sent the letter he received from them to Governor Bullock, and the governor wrote back to him to consult his lawyer. He came to consult me. That case is a little irrelevant to politics. He had married a

widow lady well allied, very much against the will of her people. I think there was some evidence that he was after her property, and they thought him a kind of adventurer.

Question. He received a letter?

Answer. He received a note from these disguised men, at least he brought it to me, and I supposed it was from them. I told him it was very difficult to do anything. Those are three instances I know; two were democrats, but I will not say that one of them was a democrat, for I may be mistaken about that.

Question. Can you recollect any other?

Answer. Let me think again—now, mark what I state to you, gentlemen; it has generally been negroes and radicals they have been after. No other case occurs to me at this moment. If any occurs during the investigation I will tell you.

Question. Then of all of the outrages of the Ku-Klux proper in the State of Georgia, there have been three instances within your recollection where democrats were the objects of their proceeding; one was where they whipped a member of their order for transgressing the rule of the order?

Answer. That is what I heard.

Question. Another was a white man who was whipped for taking part with a negro, but you do not know whether he was a democrat or not?

Answer. It is my impression that he is a democrat, but I am not certain.

Question. And the other one was where a man had married against the wishes of the family?

Answer. And who was supposed to be trying to possess himself of her property.

Question. He received a note, you do not know from whom?

Answer. It was from disguised men, so he told me.

Question. Did the disguised men give it to him?

Answer. They gave it to a negro to carry to him.

Question. Those are all the instances you know?

Answer. Those are all around me there at home.

Question. Are you not prepared to say that in an overwhelming majority of instances the objects of these outrages have been members of the republican party?

Answer. I think they have been republicans and negroes, and you may put all the negroes down as republicans.

Question. And where a democrat has been touched it has been an exceptional case?

Answer. I think so.

Question. Do you, then, say that the organization has no political aspect about it?

Answer. I stated just now that I would not say that it had no political aspect.

Question. Are there not bad men in the democratic party in Georgia?

Answer. Yes, sir; as bad as ever lived on the face of the earth, infamous rascals, that should be hung.

Question. Then why is it that the republicans are whipped, and the scoundrels of the democratic party go scot free from the operations of these men?

Answer. Well, as I have before remarked, this organization seems to have been formed with reference to preserving what they conceive to be the good order of society, and these bad democrats, as a rule, do not disturb society; they do not associate with the negroes, they do not try to move the negroes to riotous deeds and bloodshed, and burning, and things of that sort, that we know of. I think they would whip a democrat found at that work just as quick as they would a republican. I do not entertain a doubt of it, from myself down.

Question. But you do not belong to the order?

Answer. I do not, and I do not know that such a one exists. I only speak my belief from what I have seen around me, and what I have heard from men who I think know.

Question. Or who you know belong to it?

Answer. I do not know that a man on earth belongs to it, but I believe some do.

Question. You said that a great deal of the money paid for these proclamations was paid to democratic newspapers?

Answer. Yes, sir; I say everywhere you may see the effect of it upon them, in my judgment, as soon as they come within the reach of Bullock's money.

Question. And the fees improperly paid were paid democratic lawyers?

Answer. No, not all of them.

Question. Well, some of them?

Answer. Yes, sir; some of them got them.

Question. And you say that some democratic leaders in the legislature combined with the republican leaders for the purpose of robbing the people of the State, in some of their legislature schemes?

Answer. I did not say in the legislature, but that some of the leading democrats in the State, in my opinion, combined with some of the leading republicans to rob the State of this road. I want to run for governor, next fall a year, if I am eligible, for the purpose of recapturing that road.

Question. You think, then, that democrats are in these corruptions as well as republicans?

Answer. Did I not state that their bowels were moved the same way? I verily believe it.

Question. Suppose you take the State government out of the hands of the republicans and put it into the hands of the democrats——

Answer. If a certain class of democrats in my State, that I know of, should get it, I think it would be as bad as Bullock. But, God bless you, there are honest men in all parties.

Question. You have stated that Southern republicans are generally very bad men, but that Northern republicans are of a very different character?

Answer. I say that, in the South, in my opinion, they are the shabbiest class of white men; you ask me and that is my candid judgment; I believe that the best men in the South belong to the democratic party.

Question. Do you consider Mr. Hill, the present senator from your State, a republican?

Answer. He now stands in a doubtful attitude. He wrote a letter that caused all the democratic papers in the State to believe that he intended to go with the republican party, and they commenced denouncing him as a traitor. He wrote another letter rather explanatory, but not quite satisfactory; since then he has not said a word, until the other day, when some Tribune fellow interviewed him. According to that he intends to run in the republican line. I know he is in the lease with Joe Brown.

Question. You think he is in that robbery?

Answer. He is in that lease; his name is published as one of the stockholders.

Question. You said that it was a corrupt ring?

Answer. That is my opinion, as base a fraud as was ever perpetrated.

Question. What do you say to Mr. Hargrove?

Answer. In the days of secession he was the worst fire-eater, I believe, I ever saw. He ran it clear through with as much diligence as any man ever did run anything. He deserves credit for some things; he came back there with a military command, and did put down a set of infernal plunderers that robbed my poor people of bread and meat and everything on earth in the name of the confederate cause. He killed a half dozen of them and threw them into the river in a week. I think he deserves the good will of the people there; he does mine, for I have reason to believe he saved my life. He has been my client; I recovered a judgment of over $10,000 for him and for his sister. After the war was over the first thing I knew he turned up a radical. Well, I was very much astonished at that. He has another admirable trait of character; he is a man of good courage, it is hereditary in the family; it is a good sign, and I like to see a fellow have it. He ran for mayor of the city of Rome, getting the entire negro vote, against my son who was a candidate on the other side. It was understood that they got a few white men at the iron-works, under the control of Mr. Noble. He was elected and he managed the mayoralty with a great deal of ability.

Question. I do not know that we care anything about that.

Answer. Well, he ran again, and the democrats opposed him and beat him. I sustained Hargrove, and if I had had a vote I would have voted for him in that election, radical republican as he is.

Question. I want to know whether he is one of those bad republicans you spoke of, or whether he is an exception, whether he is embraced in the general denunciation which you have just now expressed?

Answer. No; you cannot make me say that. I did not say there are no good republicans in the South; I said that as a rule they were bad. You will have Mr. Angier here before you; he is a Northern man and a republican; but I believe God never made a more honest man than he is.

Question. He thinks with you on the Bullock question?

Answer. He does, but on other questions he differs with me. I know he goes for Grant the whole hog.

Question. Is Mr. Hargrove an honest upright man?

Answer. I cannot say anything to the contrary.

Question. Is he a truthful man?

Answer. Now understand me; I do not think Mr. Hargrove would deliberately swear to a lie, or anything of that sort, but he is a man like myself, of very ardent temperament, and when excited on any subject he is liable to very great excesses. With men of his fair complexion, blue eyes, light hair, and his nervous system, it could not be otherwise. He says and does things, I have no doubt, that he regrets.

Question. Will he tell the truth?

Answer. I say he means to and does tell the truth. But to say that he always tells it, I would not say that of him more than I will of any other man. I know that he indulges in excessive language about the Ku-Klux, and has ideas that I think are at variance with the truth, but I have no doubt he believes them.

Question. You believe he means to be honest and true in his statements?

Answer. Yes, sir.

Question. Is he a man of good judgment?

Answer. Yes, sir, when not excited; but men of strong impulses are always liable to draw wrong conclusions.

Question. What do you say of Mr. Forsyth? He is another one embraced in y general denunciation?

Answer. No, sir, he is not. I say there are exceptions to the rule, and a great m. of them; but I still stand to it that the republican party embraces the worst class whites in the South, and I defy successful contradiction to that statement. Tak the aggregate white people, I say that the virtue and intelligence of my country is the other side.

Question. Mr. Forsyth should be excepted, if he is entitled to be excepted.

Answer. I think he is entitled to be excepted; I think he is a respectable man.

Question. Is he honest and truthful?

Answer. So far as I know he is.

Question. Is he a good lawyer?

Answer. That is pinching me pretty tight; I would not like to give an expressio opinion on that subject.

Question. Is he a man of good judgment?

Answer. Pretty good.

Question. Is he a man of quick observation?

Answer. Pretty fair; he is a very young lawyer, but he will improve with time doubt not. He is solicitor general of my circuit.

Question. You state that your republican friends are hostile to the negroes voting t democratic ticket?

Answer. I did not say that.

Question. I understood you to say so.

Answer. Well, you are mistaken. I said the only instance I knew of violence in r ference to voting, so far as the negroes were concerned, was an attempt to mob a neg for voting the democratic ticket; it is the only act of violence I know of on th ground.

Question. You did not mean to say that the republicans were hostile to a negro b cause he voted the democratic ticket?

Answer. I think they are generally; but I do not know that they would go to th excess manifested that day, and mob him. Though, according to the papers, there ha been instances of mobbing negroes for voting the democratic ticket; divers instanc in the State, according to papers and rumors.

Question. I have observed that you have spoken of Southern republicans with consi erable severity, and perhaps they may have deserved it in your State?

Answer. I think they do. I have great respect for the republican party North, but have none for the republican party South.

Question. Have you not heard of the Ku-Klux committing murder?

Answer. Yes, sir; I have heard of their killing people. The killing of this negro, rather think, was a case of murder.

Question. Have you known of the Ku-Klux killing a man where it is not murde You are lawyer enough to know the difference between homicide and murder, I me technically?

Answer. Yes, sir. I am thinking whether I know of any other actual killing; I kn of several whippings, and things of that sort.

Question. Speaking from common report of what you have heard?

Answer. We have heard in Southern Georgia, through our papers, of a great ma cases, but the papers gave exactly reverse accounts. The radical papers say it wa murder, and the democratic papers give some justification.

Question. Have you ever heard or known of the Ku-Klux killing a man in self-defe to protect their own lives?

Answer. I do not know what you would call self-defense. I know where a man kil several Ku-Klux; that is, I was told so just before I left home, just over the Alaba line. They went there to whip him, or something of that kind, but they found h ready with his guns, and I think he killed several of them. They shot at him as ran off, as I was told.

Question. They did not kill him?

Answer. No, sir.

Question. Have you ever heard of the Ku-Klux killing a man in self-defense?

Answer. I do not think I have ever heard of it.

Question. Then whatever cases of homicide by them you have heard of were case murder?

Answer. Well, I think they would amount to murder.

Question. What do you think of their taking a citizen of the United States from bed and family at night and scourging him; how much of an offense is that?

Answer. It is a very high offense; that is as bad as or worse than the soldiers taki a man from his bed and putting him in a dungeon, without telling him why; fully bad, except that one was the act of the Government and the other the act of in viduals.

Question. Have you heard of the Ku-Klux being guilty of that?

Answer. Yes, sir, I have heard of that.

Question. Then they are murderers, and they are men guilty of these high offenses. And you say they are members universally of the democratic party?

Answer. Yes.

Question. Then what do you think of the comparative character of the southern republicans and the southern democrats?

Answer. I still adhere to what I said. In the only instance of murder that I know of, if you take the testimony of the young man himself, it was not the Ku-Klux that did it; they were Ku-Klux on their own account. Well, you may call them Ku-Klux: that was a case of murder. That is the only case where I considered the killing a murder. The cases we have heard of in Lower Georgia, some of them would have been murder according to radical papers, and according to democratic papers they would not have been murder. Therefore I could form no estimate about the truth in regard to them. I think both parties lie a great deal through their papers; that is my observation.

Question. You characterized pretty severely the political record of Mr. Hargrove. Were you or not once a democrat before the war?

Answer. I commenced life a whig. When General Scott was nominated under the auspices of Mr. Greeley, I thought the whig party would become republican, and I quit it and went for Mr. Pierce.

Question. You were first a whig?

Answer. I was.

Question. You then became a democrat?

Answer. Yes, sir; and ran the democratic ticket down to the nomination of Mr. Breckinridge. That I utterly repudiated, and I tried to show that it was a plot to overthrow the Government; I believed it was then, and I do yet.

Question. For whom did you go then?

Answer. For Mr. Douglas. Mr. Douglas told me that Lincoln was a good man; I never heard him say a word against Mr. Lincoln in his life.

Question. You were a Union man when the war commenced?

Answer. Yes, sir, and I reckon as strong a Union man as ever was. It cost a man nothing in the North to be a Union man, but in the South a Union man carried his life in his hand.

Question. You afterward went into the confederate congress?

Answer. I did, and I have told you how I did it.

Question. Did you become implicated in the rebellion in any way?

Answer. That was an implication in the rebellion.

Question. Well, did you become implicated in the rebellion in any way outside of that?

Answer. Yes, you would say it was. I raised one of the finest regiments that went into the confederate service, and I commanded it for five months.

Question. To fight the Government of the United States?

Answer. I had no chance; I would have done it, I reckon, if I had had a chance. I was in Savannah to defend that city against attack, and for five months I looked there upon the flag of the Government that I still regarded as one of the best governments on earth.

Question. You were once in the Congress of the United States?

Answer. Yes, sir, I was. I made two speeches while I was here; one in favor of a distribution of the public lands among the actual settlers, and that drew down upon me obloquy at home.

Question. When the war closed you were at first a republican?

Answer. I had talked with Mr. Lincoln, and I expected to carry out his policy.

Question. You afterwards became a democrat?

Answer. I did.

Question. And you are one still?

Answer. I am what I call a national democrat, in the true sense of the word—not a sectional democrat; nothing can make me sectional, except continued hopeless oppression on the part of the Federal Government. If I believed in that, I would oppose it as I would oppose any other government.

Question. You spoke of a negro Methodist preacher who was whipped for inflammatory language?

Answer. I said I was not sure whether he was whipped or not, or whether the Ku-Klux dealt with him in some other way; I know they dealt with him in some way.

Question Was he a Methodist preacher of the Northern Methodist Church?

Answer. O, yes; I said that was my understanding.

Question. You yourself were once a Methodist preacher, were you not?

Answer. I was.

Question. You belonged to the Southern Methodist Church?

Answer. I belong now to the Foot-washing Baptists—the simplest form of the Christian faith.

Question. You were once a Methodist minister?

Answer. I was.

Question. You are now a Baptist minister?

Answer. I am. I was at a meeting of my order the other day, where they washed a negro's feet without any hesitation—as interesting and affecting a ceremony as I ever saw performed.

Question. Why did they wash the negro's feet?

Answer. It is a ceremony of my church. Some of the Baptists do not wash feet—ours do; I belong to the order called Foot-washing Baptists; there are several order samong the Baptists: the Hard-shell Baptists, as they are called; the Free-will Baptists; the Seven-day Baptists, and I do not know how many others; but I belong to the Foot-washing Baptists.

By Mr. BECK:

Question. Are you not Hard-shells, too?

Answer. They generally call us Hard-shells, but I do not believe in Hard-shell doctrines.

By Mr. POOL:

Question. A part of your ceremony is washing feet?

Answer. It is. It is a ceremony the institution of which you will find in one of the last chapters of John, where it is stated the Saviour laid aside his garments, girded himself with a towel, and washed his disciples' feet.

Question. You are a preacher in that denomination?

Answer. I do hold forth occasionally in my humble way—never for hire, never for money—and only at places where they cannot get any better teacher.

Question. This ceremony of washing feet is a mere formal ceremony, and has nothing to do with the doctrines?

Answer. Nothing, unless you may call a ceremony a doctrine. The Apostle Paul calls baptism a doctrine, and it is a ceremony.

Question. Would you put the ceremony of washing feet upon the same footing with the ordinance of baptism?

Answer. Every bit; the one is prescribed as much as the other, and is equally authorized.

The CHAIRMAN, (Mr. POLAND.) I do not think all this is within our line of investigation.

The WITNESS. I am perfectly willing he should go on. I think I am better posted on Scripture than he is; I may not be in politics.

By Mr. POOL:

Question. You think the ceremony of foot-washing should be put upon an equal dignity with baptism?

Answer. I think so; they were both instituted by our Saviour at nearly the same time, the one just before the other.

Question. I take it that this ceremony of washing the feet of a negro was to show that your church recognized that a white man and a negro were on a perfect equality?

Answer. They do; as a Christian and a disciple there is no difference. I assure you it was a very affecting scene, one of the most affecting I ever witnessed.

Question. Are the members of your church generally members of the democratic party?

Answer. The Foot-washing Baptists?

Question. Yes, sir.

Answer. Well, I think they are.

Question. Do you suppose that any of them belong to the Ku-Klux organization?

Answer. I should not suppose they did, from the fact that so far as I know, they are universally opposed to secret organizations of all sorts, political and every other kind.

Question. What would you think of taking that negro, whose feet you washed that day, out of his bed at night and scourging him with rods?

Answer. I did not wash them, I was simply present; but I would have done so if it had been necessary. I have washed men's feet, and I would wash his just as quick as I would those of a white man, in the performance of this duty.

Question. Would you not have considered it a great outrage to have taken him that night from his bed and scourged him?

Answer. I would have died for him.

Question. Do you consider the negroes who belong to your church any better than other negroes?

Answer. I think they are a great deal better. I think they are meet to be partakers of the inheritance of the saints in light; and, as a rule, I think the others are not.

Question. You have criticised the political changes of Mr. Hargrove very severely. Do you think his political changes have been more than your own?

Answer. I do not think my political changes have been much. My party rela-

tions have changed, but I am not conscious of having changed in political or religious opinions much.

The CHAIRMAN, (Mr. POLAND.) I think this is rather more minute and particular than we need go into during this investigation.

By Mr. POOL:

Question. Do negroes sit upon the juries in your State?

Answer. I have never seen one on the jury in the county of Floyd, but I have heard of them in different parts of the State.

Question. Have you known of their sitting upon a jury in any county in your judicial circuit?

Answer. No. Understand me, I do not practice except in Rome, and perhaps some in Chattooga.

Question. From your intercourse with members of the bar in your judicial circuit, have you heard that negroes ever sat upon juries in any of your counties?

Answer. I know of none in my judicial circuit; I do not remember of any negro taking a seat upon any jury in my judicial circuit.

Question. Are there any negroes in your judicial district whose character and intelligence are equal to that of some of the white men who do sit upon your juries?

Answer. Indisputably.

Question. That is so?

Answer. Yes, sir.

Question. Why are not their names put in the jury-box?

Answer. That would be hard for me to tell. I suppose it is generally because of the fact that the body of the negroes are not fit to be put there; I do not think they are; and from the further fact that it would be exceedingly disagreeable to the white race to sit upon a jury with negroes.

Question. Do not negroes have cases in your courts?

Answer. They do.

Question. Are they not indicted in your courts?

Answer. They are.

Question. Are that class of citizens who are discriminated against enjoying the equal rights of that class who are not discriminated against?

Answer. They enjoy more rights than I do. They can be elected to any office under the Government.

Question. In whose discretion is it whether negroes shall be put upon the juries or not?

Answer. They have altered the law backward and forward so often that I do not know that I have kept up with the law in regard to the formation of juries, for it is not my business to form juries. But my remembrance is that the names are selected by the sheriff and the ordinary, and according to the constitution of the State of Georgia, if I remember correctly, they are to be citizens of intelligence, or something of that sort. I will not say what the qualification is, but the idea is that they are to be good men. The names are put in a box, and, as a rule, they are drawn by the presiding judge from that box. I do not think there are any names of negroes put in the box in my county, and I doubt if there are any in my district. There may be none in the State, but I do not see how they could well get along in some of the counties without having negroes for jurors.

Question. You said that the white men of your city kept back from the polls, at an election there, and allowed the negroes to vote first?

Answer. They did, where the negroes seemed to be very anxious to vote, and where there seemed to be considerable excitement among the white republicans about their voting.

Question. You thought that was a marked degree of courtesy and forbearance extended to them?

Answer. I thought it would be better for our race to keep away, instead of going up at that time, when it was likely to make a disturbance. I think the whites stood back, upon the ground that they thought it better not to have a riot, and the negroes exhibited a disposition to hold on to the polls.

Question. Has that standing back been repeated since that time?

Answer. No, sir. I have seen them since then mingling in promiscuously at the polls.

Question. You have not seen any repetition of that?

Answer. I have not. I think that was the first election in the county where the negroes voted; I will not swear positively to that, however.

Question. To go back a little to this order. I understood you to say that you were not aware that they had any signs by which they recognized each other.

Answer. If they have I do not know it; but I would naturally suppose that they would have.

Question. When Mr. Forsyth was prosecuting these three white men, whom you

spoke of as having been convicted of what appeared to be a Ku-Klux outrage, was there not a confession made by one of them, who gave the signs, &c.

Answer. Not within my knowledge; it was not before the court and jury; it may have been given privately to Mr. Forsyth; if there is any testimony to that effect, that it was before the court and jury, it is not true.

Question. You have not heard of that before?

Answer. No, sir. We had the uniform in the court-house, and examined it; it was the first I ever saw, and it was said to be the uniform of that band.

Question. Have you not heard of these Ku-Klux in other parts of the country besides Georgia, and besides that little strip of Alabama of which you spoke?

Answer. O, heavens! yes. I have heard it almost from the beginning down.

Question. Do they usually go in disguise elsewhere as well as in Georgia?

Answer: I have heard they did.

Question. Has there been any uniformity in their mode of operations that has struck you?

Answer. Well, yes; that is, in their scourging and whipping and violence, just as you might say there was uniformity of operation in other States north.

Question. The uniformity consists of a disguise worn upon the person, and of their operating in the night-time?

Answer. I have heard that these bands were generally disguised, if not almost uniformly.

Question. Do you know whether in every place they are composed of members of the democratic party? What is your judgment on that subject?

Answer. That is my judgment.

Question. That they are in other States composed of members of the democratic party?

Answer. Yes; that is my judgment.

Question. Have you learned that in other States their victims were principally members of the republican party?

Answer. I judge they are.

Question. Did you ever know of bodies of men in disguise committing such crimes in the State of Georgia before this war?

Answer. No, sir, not with the frequency, and not in disguise. We had lynch-law down there occasionally, but I do not remember any case where the parties were in disguise.

Question. You heard of nothing of that sort in Georgia before the war?

Answer. If anything of that sort occurred, it has escaped my recollection.

Question. All this in Georgia and in the other States has occurred since the war?

Answer. Yes, sir; disguised men—that has been undoubtedly since the war, so far as I know.

Question. What is your theory of the reason why these things have occurred since the war so generally in other States as well as in Georgia—bands of disguised men composed of one political party committing outrages which you say were most universally upon the members of the other party; what is your theory in regard to that?

Answer. I think it arises, in the first place, from a general dissatisfaction in regard to the administration of the Government in those States, both State and Federal. There is not that satisfaction with the Government that there was before the war, and that there ought to be in the minds of the people. I think that dissatisfaction originates from what they believe to be bad government, as a rule, in the State administration and in the Federal administration. I do not speak about general politics; as I said not long ago, I do not think there is any dissatisfaction with regard to General Grant, other than in reference to the South. I have heard no special complaint, though the democratic party, as a rule, are opposed to his administration. I think it originates from that feeling of general dissatisfaction, from believing that the Government is not faithfully administered; that it is oppressive in its action upon the white people of the South. I think there is a kind of general feeling that the purpose of the Government, both State and Federal, is to make the black race, with the few whites who may go with them, dominate the white race of the South; to make the white race subject to the black race. I think that is one cause. Then I think there is another cause, which I have mentioned to-day: a great many of our best men are under the ban of the Government; have no interest in the Government; have no right to any position under the Government. There is a very general dissatisfaction created on that account. It also originates in another thing: society is in a disturbed condition; the black man has been our slave, and he has just been emancipated. The white race has uniformly looked upon him as a dangerous element when left absolutely to his own control. Heretofore the white race has controlled and directed him, but they regard him as dangerous when a perfectly free man; not that, perhaps; but that he is disposed to mischief, like all ignorant races. They regard him as very ignorant, and, therefore, like all ignorant races, very capable of mischief. I think they have felt that in neighborhoods and localities the very life of society was sometimes endangered by the animosity

of the black, stimulated by some white men, against the general body of the white race. And this organization has been felt to be a kind of necessity.

Question. Would you not believe that to take colored men out of their houses and scourge them in this way would be apt to exasperate them still more?

Answer. It might put fear upon them in some instances; in others, where they had power, it would evidently exasperate them, and I think it would be a fearful trial if they had power.

Question. Would it not be a doubtful remedy for any evil which might result from exasperation, as you say they have been exasperated against the whites?

Answer. I think it a very doubtful remedy.

Question. Do you not believe that the reconstruction policy adopted by Congress, so different from what was expected, putting the negroes upon an equality with the whites, investing them with all political and civil rights, making certain white men ineligible to office, and none of the blacks ineligible—is not that the main cause of all this Ku-Klux business?

Answer. That has had a great deal to do with it. As I have just said, the white race at the South is very much dissatisfied with the action of the Government, State and Federal.

Question. You think whatever is bad in the local action results from the Federal action?

Answer. I judge it does.

Question. Then you think it was the reconstruction policy which was the main cause of this Ku-Klux business?

Answer. That is the ultimate cause; I think that policy has been harsh as it is, because of the war between Johnson and the republican party. I think if Lincoln had lived it would have been different. I stand here and swear that he intended to publish a proclamation of universal amnesty, except in regard to a few bad men, as he called them.

Question. Is not the most objectionable feature of that reconstruction policy the feature which enables the colored men, with a few white men, to control the politics of the South?

Answer. That is the leading cause.

Question. Is not that the objectionable feature in the reconstruction policy?

Answer. That, and depriving the South of the right to regulate these things for themselves. We think that goes to the organic structure of the Government itself, not only in the South, but in the North.

Question. That fixes and gives stability to this condition of things?

Answer. That is correct; the white race would alter it if they could.

Question. Then if this Ku-Klux organization originated, in a chief degree, because of the reconstruction policy of Congress, the most objectionable feature of which is the feature which gives the power to the negroes, with a few white men, to control the government of the Southern States, is it not the main object of that organization to prevent these negroes and these few white men from continuing to hold that control?

Answer I do not think it is. I have virtually answered that question again and again; I do not think they intend to control the ballot at all. I think if the negro behaves himself, and does not attempt any riot and anything of that sort, he may vote there as quietly and peaceably as he can in any part of the country.

Question. One of the chief evils of the reconstruction policy which is complained of is, that the negroes, with a few white men, are enabled thereby to get control of the State governments?

Answer. They are, and to dominate over the white race.

Question. And you think the Ku-Klux was organized for two purposes?

Answer. Yes.

Question. And one purpose is to correct that evil?

Answer. No; I think that is one cause of dissatisfaction.

Question. Do you not consider that an evil?

Answer. I do; a very great evil, the greatest that ever was practiced upon any people upon the face of the globe. You may put that down, that I swear that I believe to make the black race dominate the white race is the greatest evil ever inflicted upon any people on the globe.

Question. Do you say the Ku-Klux was not intended to correct that evil?

Answer. They may want to correct evils resulting from that evil, but not to prevent any one's voting as he pleases.

Question. Are they not sensible people?

Answer. I think they are.

Question. Is not the best way to correct an evil to strike at the root of it?

Answer. Yes, sir; and we do as well as we can, but very feebly.

Question. And you think the object of this Ku-Klux organization is not to prevent the negroes and these few white men from controlling the southern State governments?

Answer. I did say so.

Question. However great an evil that may be, the object of this Klan is not to correct it?

Answer. No; it is to correct evils resulting from that state of things.

Question. Is not that at the root of all the evils resulting from that state of things?

Answer. It is; but you may be able to stand the root of an evil but not the manifestation of it. As long as the negro does not disturb society in any of its relations, does not burn houses, does not rob anybody, does not attempt to commit riots or violence of the law, you may be willing to stand it. But these negroes go further; one of the resulting consequences is that a black man and a white woman sometimes get together and say that they are equal; the Ku-Klux would prevent a thing of that sort, while they would not control the ballot.

Question. State what those resulting evils are that the Ku-Klux purpose to correct?

Answer. I have stated one; they came up the other night and whipped a white woman and negro for living together in a state of adultery.

Question. Do you think that results from the negroes and a few white men having control of the State government?

Answer. O, no; but I think that is one of the resulting evils from the general policy of the Government, putting the two races upon an equality.

Question. State some of the resulting evils from the negroes and a few white men having control of the State government?

Answer. One is the plundering of the State government. What do you think of paying $98,000 for proclamations in less than two and a half years?

Question. Do you think dishonesty and plundering was the cause of the Ku-Klux outrages, or had anything to do with that whatever?

Answer. No; my opinion is that they were in the State before Bullock was elected.

Question. How could they have the purpose of correcting that as a resulting evil?

Answer. I say that these evils resulted in that way. They put Bullock in office; the white race did not put Bullock in office; the negroes and a few whites put him in.

Question. And one of the resulting evils was corruption?

Answer. Yes; that is so.

Question. But that came after the Ku-Klux was formed?

Answer. They might have formed before, and corrected an evil that resulted afterward.

Question. I am asking now about the purpose of their organization.

Answer. I do not suppose all these clubs were formed at one time.

Question. Now give me some resulting evil from the fact that the negroes and a few white men have control of the State government, which resulting evils the Ku-Klux were formed to correct.

Answer. I say that one of the resulting evils was this tendency to social equality; I think the Ku-Klux was formed to prevent that. One of the resulting evils, in my opinion, was to stimulate the black man, in his ignorance, to deeds that were improper, such as thefts, burnings, and sometimes violence. Rape is a very common crime with the black man; it seems to be vastly more so with him than with the white man, and it is vastly more frequent now than it was when he was in a state of slavery. He does not seem to have any adequate idea of the penalty for the offense. I think we have had more rapes by negroes upon white women than almost in the whole history of the country before.

By Mr. COBURN:

Question. How many rapes have occurred since the war? Give any cases of that kind that have occurred in your county.

Answer. I think the only case we have had there was the case of a colored man committing a rape on a negro woman.

Question. How about rapes upon white women?

Answer. I do not remember that in my county there has been any rape of that kind charged.

Question. Or of white men upon white women?

Answer. I do not remember any.

Question. Any in your circuit?

Answer. I do not remember any in my county; I may have forgotten it.

Question. Any in your district?

Answer. I do not remember any since the war; they may have occurred, but I do not remember.

By Mr. POOL:

Question. Do you know of any instance of a rape by a colored man upon a white woman?

Answer. Not in my county.

Question. Any in your circuit?

Answer. Not that I remember.

Question. Then the Ku-Klux in your circuit have no view to prevent that if it does not occur?

Answer. They whipped a negro man for asking a white woman to copulate with him; he did not attempt to violate her.

Question. What was the character of the woman?

Answer. I suppose it was fair, because if she had been a common whore or strumpet, I do not suppose they would have paid any attention to it.

Question. I think Mr. Hargrove said there had been five cases of rape by white men upon white women in your county, or it may have been in your circuit.

Answer. Well, sir, if there have been five cases of rape upon white women in that county or circuit, he has found out what has not come under my observation; I will not say it is not so, but I will say that I have not heard of it.

Question. Is there not a kind feeling on the part of the negroes toward the white people, and on the part of the white people toward the negroes?

Answer. In a great many individual instances there is. Let me say to you that there are differences in the negroes; we have some there very troublesome, who are disposed, I think, to dominate the white race, to let them know they are as big as the whites, or a little bigger. For instance, they will not give up the sidewalk; but that is not the general character of the negro. As a rule, the negro is respectful to the white man, and will get out of the way of the white man.

Question. Those are exceptional cases?

Answer. Yes; but there are some of them. Well, in my opinion, that is one reason for the Ku-Klux; they fall aboard a negro that exhibits any impudence of that sort.

Question. Do you mean in not giving up the sidewalk?

Answer. Well, things of that sort—meeting a carriage on the road. The other day I called the attention of a lady I was driving out with to this matter, on a road where there were a great many teams hauling wood. I said, "Notice that every white wood hauler will give me the road, or a part of it, and notice that, as a rule, the darkeys will make me give the road; occasionally one will give me the road, but, as a rule, they will make me give it to them."

Question. Well, it is to keep the negroes in subjection in these respects that the Ku-Klux is organized?

Answer. I think so.

Question. Do they inflict Ku-Klux punishment upon negroes for violating that principle of subordination?

Answer. I do not know that they do. I know of a fight that took place not long ago between a negro and a white man; the negro refused to give the road, and they clinched and had a fight.

Question. Do the Ku-Klux attack the negroes and punish them by violence for that kind of insubordination of which you have spoken?

Answer. It would not have astonished me if they had whipped a negro for that, but I have never heard of it.

Question. Have the Ku-Klux in your county or district administered any punishment to the negroes for violations of subordination of that kind, of which you have been speaking?

Answer. I do not remember of any Ku-Klux administration now of that sort.

Question. Then, why would you suppose it was their object to prevent anything of that sort?

Answer. Just because, as I before remarked, things of a like nature have occurred in other instances. You might ask me if I would suppose that the Ku-Klux would interfere with a preacher. On the first view, that is a very unreasonable supposition. I am very much in favor of the preaching of the gospel, and believe in it with all my soul. But a man who comes along, and whose preaching indicates that he is disposed to create a feeling of animosity between white men and black men, and all that sort of thing—well, I do not think he is preaching the gospel, and I think it is very well to stop him, but it ought to have been done legally.

Question. Do you think the use of words of that kind by a preacher more calculated to produce a feeling of animosity between the white race and the black race, than for white men to take black men out of their houses and strip and scourge them?

Answer. No; a white man taking a black man out of his house and whipping him and scourging him is very well calculated to exasperate him.

Question Were the negroes any more likely to be exasperated by the words of the preacher than by the outrages perpetrated upon them by the Ku-Klux?

Answer. Well, you know the words of the preacher might mislead.

Question. Any more than the whip of the Ku-Klux?

Answer. Well, that would have a tendency the other way; it would tend to intimidate them and make them afraid to assail the whites.

Question. We were talking about exasperating the negroes.

Answer. It might exasperate them, and they might be afraid to attack the whites.

Question. Then the object of this organization is to overawe and intimidate the negroes?

Answer. Well, it would tend to prevent his assuming equality with or superiority over the white race; any assumption of superiority would not be tolerated by the white race.

Question. If the negroes should be intimidated in that way, would it not give the white race some control over them?

Answer. It does. I have no doubt that negroes have been deterred from doing things, from acting disrespectfully, by the violence of the Ku-Klux—negroes who might otherwise have done so.

Question. May not control so gained be used to influence his voting?

Answer. It might; they might control the negro's vote by fear.

Question. Do you think the Ku-Klux are composed of men too good to do that?

Answer. Well, you say "too good;" I do not think they have done it.

Question. I mean, do you think they are too upright in their purposes for that?

Answer. I reckon some of them might do it; I do not say they would not; but I know of no case of their having done so. It is strange to me that I have never heard of these acts of violence, the keeping of the negroes away from the polls that Major Hargrove speaks of, and such as are reported in this newspaper; but I never did see them. Sometimes you will see either party grab one, and try to electioneer with him, but not to prevent him from voting.

Question. You think the operations of the Ku-Klux are for the purpose of intimidating the negro and keeping him in his proper place?

Answer. Yes, sir; that is one of their objects, where they think he is disposed to be troublesome.

Question. And you think that having so intimidated him, it gives the white people control over him?

Answer. Well, it has that tendency.

Question. Does it have that effect?

Answer. Sometimes, but not always.

Question. You think the purposes of the Ku-Klux are too elevated to use that control thus gained to influence the negro in the matter of voting?

Answer. I do not know about "too elevated;" I would not use that term about secret organizations. If I was just to say "yes" to your question, it would be put down that I would say they were too elevated for that.

Question. I expected you to say that they were not; and if you had said they were not too elevated for that, I should then have asked you whether to use that control in that way was a less crime than that of murder, which they sometimes commit.

Answer. Yes; intimidation is a less crime than the crime of murder.

Question. And the use of a control obtained in that way——

Answer. I do not think they have ever sought to control his vote by fear. I will stand on that before my people, that there is no well-authenticated case where the negro was attempted to be controlled in his vote by fear. If there has been, it never has come under my observation; and I think such a statement as that would be outside of the facts.

Question. You said there was a great deal of dissatisfaction with the appointment of Judge Kirby?

Answer. Yes; not with me personally, for being allied to him, and believing him to be an honest man, I was rather pleased with it.

Question. Was that dissatisfaction on the part of the republicans?

Answer. No, not upon the part of the republicans, though they wanted Judge Harvey. Kirby was removed after this Ku-Klux affair, and Harvey was appointed.

Question. You said that Judge Kirby was a good lawyer?

Answer. No, I did not say that; I said he was a good man, a man of pretty fair ability; and we thought he would be honest, and try to do about what was right. Maybe I did say he was a good lawyer. He was a little country lawyer, and nobody ever thought he would be judge.

Question. The man you wanted appointed was Mr. Printup?

Answer. No, I was hostile to him, though he was a very intellectual man, and an admirable lawyer.

Question. You were very much opposed to his appointment?

Answer. I was.

Question. Were the republicans opposed to his appointment?

Answer. I think the most of them were, very much; they talked to me that way.

Question. Mr. Printup was a good lawyer?

Answer. He was.

Question. Was he a man of character?

Answer. Yes, sir; undoubtedly.

Question. I think you said he was resolute, and rather domineering?

Answer. I think he is both.

Question. Did he ever express himself in strong terms against these Ku-Klux operations previous to that time?

Answer. If he ever did he never did it in my presence; and I do not think I ever heard he did. It was not on that ground that he was opposed. Let me tell you the grounds. Printup is a northern man, and what we termed a fire-eater there when the war broke out; he ran that schedule.

Question. He had gone there before the war commenced?

Answer. Yes, sir; and when the secession idea broke out, he ran that schedule; he was on that line; he seemed to be rather ultra-southern, as we call it. Well, there were a great many things said about the colonel. He went into the confederate service, got command of a regiment, and was very soon captured. He was a prisoner, and we understood he was treated well, and all that sort of thing; he had relatives in New York, and did not do any more service. When the war was over he was released, and came home. There was a heap of hard things said about him of one sort and another; but I think he was honestly captured.

The CHAIRMAN, (Mr. POLAND.) I do not see the object of the inquiry about Mr. Printup.

Mr. POOL. The point I was endeavoring to make——

The WITNESS. You asked me our objections to him.

The CHAIRMAN, (Mr. POLAND.) It seems that some of the people there were averse to him for some reason; but it does not seem to me it is any way important what reasons they had against the appointment of this Mr. Printup, especially as the governor did not appoint him.

The WITNESS. He did not, but we were afraid he would. I was so much alarmed that I went all the way to Atlanta, and begged Bullock for heaven's sake not to appoint Colonel Printup; I never had an interview with Bullock before.

By Mr. POOL:

Question. You do not think the appointment of Mr. Kirby gave offense to the republicans?

Answer. I think not; I think, as a rule, they were pleased with him. I know Hargrove was very much pleased, and he is a leading radical. I think the radicals liked him better perhaps than Harvey, but it displeased the democrats, most of them.

Question. What offense had that man committed who was arrested by the troops?

Answer. Our Heavenly Father only knows what offense he had committed.

Question. What was he charged with?

Answer. Never charged with anything, that I could ascertain.

Question. Had there been any Ku-Klux outrage upon a plantation not far from there?

Answer. O, yes; and we supposed that was the cause of his arrest, and so did he, but he never received any intimation of it. The soldiers uniformly declined to give the reasons why he was arrested.

Question. Was he not arrested upon affidavit?

Answer. I have understood that he was arrested upon an affidavit made before the military; but we never saw it.

Question. That affidavit stated the offense?

Answer. I judge the military knew.

By the CHAIRMAN, (Mr. POLAND:)

Question. I thought you stated it was supposed that he was arrested on account of this attack upon the Methodist minister?

Answer. We supposed so, but we did not know; and we understood that there was an affidavit before the military, made by the preacher; but we did not know it; we never saw it.

By Mr. POOL:

Question. Had there been other Ku-Klux outrages in that locality previous to that one?

Answer. It seems to me that there had been, but I cannot remember.

Question. Did the troops come to that locality before this outrage upon the preacher?

Answer. O, no; it was afterward.

Question. Were they not sent there in consequence of it?

Answer. We rather came to the conclusion they were, but we did not know.

Question. Was any man arrested for that outrage by the State authorities?

Answer. None that I ever heard of.

Question. Had any man been arrested by the State authorities up to that time for any Ku-Klux outrage in that community?

Answer. I am not able to state.

Question. You do not recollect any?

Answer. No; if any had been arrested, I don't remember it now.

By the CHAIRMAN, (Mr. POLAND:)

Question. Can you state about what time that was?

Answer. No; I am very deficient in my memory of dates, very much wanting.

Question. Was it a year ago last winter, in the early part of 1870?

Answer. When the outrage was committed on the preacher, or when the arrest was made?

Question. When the arrest was made.

Answer. I think it has hardly been so long as that; it seems to me that is putting it rather far back; I would not speak positively as to the date, but it has been comparatively of recent date; maybe it has been as long ago as that, but I do not think so.

By Mr. POOL:

Question. You did understand that the military were sent there in consequence of that outrage?

Answer. That never was told; that was our conjecture.

Question. They came there shortly afterward?

Answer. They did.

Question. There had been no arrest by the State authorities for any Ku-Klux outrage up to that time?

Answer. Not that I know of; if there had been any application for process against any one in the county I never heard of it.

Question. This man was arrested by the military authorities of the United States, taken into their custody, and confined in jail?

Answer. Yes, sir.

Question. Was that before Georgia was reconstructed and readmitted into the Union?

Answer. I think General Terry was there then.

Question. As the military commander of that district?

Answer. I think he was exercising military authority.

Question. Georgia, at that time, was under the reconstruction acts?

Answer. Well, I reckon so. The truth is, we have been reconstructed so often down there, one way and another, and thought we were in when we were not in, that it would take some time for me to say.

Question. Was it before the last act admitting Georgia to representation?

Answer. When was that act passed?

By Mr. BECK:

Question. The act was passed in December, 1869.

Answer. I think it has been since then; I certainly thought we were reconstructed at the time.

By Mr. BLAIR:

Question. You are not certain of it yet?

Answer. No, I am not.

By Mr. POOL:

Question. Had Georgia been admitted to full representation in Congress at that time?

Answer. That is another question I could not answer directly. The most I could say to you upon that question is, that my understanding was that at that time we were fully reconstructed. But the act admitting our Representatives may not have been passed; you put some in at one time, and then put them out again. My understanding was that we were reconstructed, and the laws and everything were progressing like we were in the Union; I thought so, but I might have been mistaken. We had no military control down there, as a rule, at all, and I think the military had gone away.

Question. Under the reconstruction acts you had a governor?

Answer. O, yes; I think we had different governors; we had Judge Johnson a while; I do not know whether you call him a reconstruction man or not; I think Johnson was simply appointed.

Question. Did you not have a governor under the reconstruction acts?

Answer. I think we had one of some sort.

Question. Did you not have regular judges?

Answer. I think that part of the time we did not have so regular judges; it seems to me that a part of the time we had a military governor, but I assure you that has been so long back, and there has been so much confusion about it all, I cannot tell.

Question. Then this organization of disguised men went to Judge Kirby and took him from his house?

Answer. They did; that is, the judge told me so.

Question. And made him go with them to the jail and demand the release of the prisoner?

Answer. I think he made them go with him; I think they told him they would give him thirty minutes to release the prisoner, and if he did not do it, they would hang him.

Question. What power had Judge Kirby over the imprisonment of that man?

Answer. None upon the face of the habitable globe. He might have had power to have granted a *habeas corpus;* speaking constitutionally, and as a lawyer, I think he would have had, and could have compelled them to have brought the prisoner before him; I mean as the laws and the constitution had been administered before the war.

Question. Did they demand of him to issue a writ of *habeas corpus?*

Answer. I do not think that application was made; I think it was said that the military would pay no attention to it.

Question. They told Judge Kirby that they would give him a half an hour to obtain the release of that man?

Answer. Yes, sir.

Question. How did they expect him to obtain his release?

Answer. Just as he did it, by application to the officer. Governor Bullock removed him, and I am informed that he concluded, upon the whole, that he did not act in good faith; that it was all fudge; that the Ku-Klux would not have hung him. Well, that was an experiment Kirby did not desire to make.

Question. Do you believe they would have hung him?

Answer. I think so; I think the scare had not got off him when he came to my house to see me. He told me that he never would go back to Chattooga in the world, that he intended to sell every dollar's worth of property he had there; he declared that he had nothing to do with the troops; and that when Governor Bullock, or Terry, one of them, told him they were going to send the troops there, he begged them not to send them, that he was perfectly capable of executing any process in the world he wanted to. But they said they would send them, that it was necessary to strike terror into these fellows over there.

Question. Do you suppose the Ku-Klux would have made this display against the circuit judge of your State, and against the military force of the United States, in behalf of a man imprisoned, unless he was a member of their order?

Answer. That is a pretty hard question to answer. For instance, I put it to myself; suppose they had seized one of our best citizens in Rome, and put him in jail; I do not know that there would not have been riot and bloodshed; it would have been the cause of great exasperation.

Question. What became of the man after he was released?

Answer. I was told he put for Texas.

Question. Has he ever come back?

Answer. Before I left home I was told that he had come back.

Question. Had come back there to live?

Answer. I was told that he had come back to stand any charge that might be made against him; I do not know that that is the truth.

Question. How long ago did this occur?

Answer. I have stated two or three times that I was not good at dates. I might tell something by Judge Kirby's appointment, because he was a judge but a little while, and he was removed, and Judge Harvey appointed; and I am sure that Judge Harvey has not been appointed over six months; he has run but one set of courts, and is now running the second set.

Question. Can you fix the date?

Answer. I cannot tell exactly; a little under or a little over a year.

Question. When you speak of the people of Georgia having control of their own affairs like other States have, what do you mean by that; in what respect has not Georgia the same control that other States have?

Answer. Well, so far as I now know, since we are in the Government, we will have, unless you interfere again. We were in once or twice, that is, we thought we were in, but the Government thought we were not in right, and we were put out again. When Governor Bullock was elected the military were there; my remembrance is that they had control of the ballot-boxes. I know the feeling of the democratic party was universal that General Gordon beat him on a fair count anyhow. I will not say that the military had general control of the ballot-boxes, but they had control of the places where the election was held.

Question. That is hardly germane to my question; I asked you in what respect you had not control of your affairs.

Answer. I say that the universal impression and feeling with our people was, that even as it was Bullock was not elected by a fair count of the vote. I know Mr. Hill asserted, on a public occasion, that General Gordon, in his opinion, was elected by from ten to twenty thousand votes upon a fair count.

Question. That election was under the reconstruction act?

Answer. Yes, sir; and Bullock was declared elected.

By Mr. BLAIR:

Question. And a great many white people, you among the number, were disfranchised?
Answer. Of course we were.

By Mr. POOL:

Question. Since Georgia has been admitted into the Union, in what respect does Georgia differ from other States?
Answer. We would stand now, if we were not interfered with by the General Government——
Question. Not reconstructed over again?
Answer. Yes, sir; we do not know but what the Government will reconstruct us over again.

By Mr. BLAIR:

Question. Are you in the same condition as other States when you have a governor who was not elected by the people?
Answer. In that respect we may be different from other States.

By Mr. BECK:

Question. Did not General Terry fix up your legislature?
Answer. You know what the history of that is.

By Mr. COBURN:

Question. Did not the democrats turn out some members simply because they were black men?
Answer. Yes, sir, the democrats mainly, and some of the republicans also acted with them; they did not think they were eligible under the constitution. I think Governor Brown said that constitution had been framed with reference to excluding them; but I will not swear that.

By Mr. BLAIR:

Question. Has there been any grosser exercise of power and violence in the State since the war than that exercised by Terry in Ku-Kluxing the legislature?
Answer. O, Heavens! we thought that the highest exercise of arbitrary power; that was the feeling of our people, while we submitted to it. The truth was we neither had the disposition nor the means to resist.

By Mr. POOL:

Question. Do you not consider it a very great outrage, a very great crime, for men to pretend to be Union soldiers and deceive that nineteen-year-old boy into going out after the Ku-Klux, and as soon as they got him out to murder him?
Answer. I condemned it in my conversation with this young man; I told him it was wrong, that the negro was a simple-minded, credulous creature, and that they ought not to have done it; that in my opinion I could not successfully defend him before a jury, and he had better go away.
Question. Was it generally talked about in that community that the transaction had been one of that character?
Answer. I never understood it so fully until I understood it from this boy.
Question. Was it understood afterward?
Answer. It was understood by all classes as an outrage.
Question. And the trick on him was generally known and talked about in that community?
Answer. It might have been, but I never heard it until I heard it from this boy. I suppose it was an unmitigated act of outrage, that they made him believe something, and just went out there and shot him.
Question. Did that young man escape?
Answer. He had never been arrested; there was no escape about it.
Question. Had there ever been any effort made to arrest him?
Answer. If there was a warrant for him I did not know it.
Question. He ran away from that county?
Answer. I do not know whether you would call it a go or a run; he went.
Question. Has he come back?
Answer. No, sir.
Question. Did he implicate any other parties?
Answer. I do not know that he mentioned another man. He was very mad and cursed a great deal, and said that he was a great mind to go back and kill some of the damned rascals that got him into it.
Question. He did not call any other names?
Answer. He did not.
Question. Did anybody else leave that community in consequence of that crime?
Answer. Not that I know of. I was consulted a few days ago by the fathers of two

young men who were engaged in Ku-Kluxing some negroes down about Thomas's mill, in my country, not far from the river. But there was no violence done the negroes that I heard of, except to scare them, talk large to them, and show them their weapons and tell them what they could do and what they had done, that they had killed a hundred negroes, or something of that sort. Their fathers came to consult me about it. Governor Bullock had issued a proclamation offering a pretty heavy reward for them, and they had run off. Yes, they told me they took away some arms the negroes had at the same time. They said it was a Christmas frolic.

Question. Did they run away?

Answer. Yes, sir; they went over the Alabama line; Governor Bullock had offered a reward for all that class of men, and their fathers came to consult me about them.

Question. It was not in consequence of this outrage, where the negro was enticed off and killed?

Answer. No, sir; not that I know of.

Question. You advised that young man that he had better leave?

Answer. I did. The object seemed to be to know about what I thought of his prospects of acquittal; he did not want to go. I think his idea was that if I thought I could successfully defend him he would stand his trial, and if not he would leave.

Question. You thought it was a case of murder?

Answer. I did.

Question. Of murder under aggravated circumstances?

Answer. I did.

Question. Did you say you purchased the railroad ticket for him, and helped him to get off?

Answer. I purchased a ticket for him to New Orleans, and then gave him the balance of the money his father sent to me. It cannot damage my client, or I should avail myself of the rule that an attorney cannot be made to reveal the secrets of his client at all. But I want to give you the benefit of all the knowledge I have, and as I do not think it will damage him, I have not made any point upon it. Now, you know that as a lawyer I am consulted in hundreds of cases. I never advised or laid any plan for escape, when a man has been arrested, to take him out of jail. But in all cases when men come to me before they are arrested, I think they are entitled to my judgment, and if they pay me my fee, I give them my judgment.

Question. Was that an overt act of yours to enable him to get away?

Answer. No efficient overt act. I would not have lent him money, but I could not refuse to use the money his father let me have for him; I would not have furnished him with a horse to get away on, or anything of that sort. But he came to me for my advice, and I gave it to him honestly and faithfully; I told him that he had better go away and stay away. My advice to the fathers of those other boys was that they had better not come back.

Question. Has the conduct of the negroes in Georgia been good, as a general thing? How have they behaved themselves since the war?

Answer. They have behaved themselves better than I could have expected; better than I hoped for. I think the negro deserves great credit for the manner in which he has behaved himself.

Question. They are generally orderly, quiet, and submissive?

Answer. Wonderfully so. I found one of my own negroes the other day in distress; she came to appeal to me, and it afforded me infinite gratification to relieve her from her troubles and difficulties. The negroes deserve great credit for their behavior, as a rule.

Question. Is it not almost universal that they behave well?

Answer. Most generally so.

Question. There are exceptional cases of bad negroes?

Answer. Of course there are.

Question. But as a mass they behave remarkably well?

Answer. They do.

Question. Better than you expected?

Answer. Much better.

Question. Do they not, as a class, behave more orderly and better than the white people?

Answer. I cannot say that. You see the great body of our people are orderly, as good a people as there is on the face of the globe; I do not care if they have been rebels; that makes no difference; they were honest in it. But we have an element of whites that are a great deal of trouble, a great many young men; some of them were in the war, and there they learned bad habits and bad traits of violence; they have personal altercations among themselves, and stab and kill a great deal worse than before the war.

Question. Are not these acts of turbulence among the whites more numerous than among the negroes?

Answer. Well, this turbulence and these acts of organized violence are among the whites; I know of none among the negroes that I remember of.

Question. Will you tell me, then, what danger to society it was that this Ku-Klux was organized to stop?

Answer. I have told you already a half a dozen times—different dangers of different sorts; one was the tendency of the two races to affiliate.

Question. You mean it was not for the purpose of putting down any organized violence on the part of the negroes against the whites?

Answer. No.

Question. Nothing in the way of insurrection?

Answer. No; but then, again, the negro was sometimes impudent, and it was supposed that he would be much more so than he was; make the whites give way to him. This preacher came under that rule in that way; he seemed rather to be preaching negro equality, and the right of the negro, backed by the Federal Government, to take charge of all of us down there, and all that sort of thing, and they would not stand that.

Question. Suppose a band of disguised negroes had gone to a white man's house, and represented themselves as white Ku-Klux, and got that white man out with them, and then had murdered him under that pretext.

Answer. It would have been a bad case.

Question. Suppose the negroes had done so?

Answer. It would have been a bad case.

Question. Suppose that some leading republican—some bad man among the republicans you speak of—had permitted and assisted, or advised and assisted, in the escape of the negroes who had committed an outrage upon a white man; what would the democrats have said about that republican?

Answer. I do not think they would have said anything, if he had been a lawyer discharging his functions.

Question. Might not the papers have abused him?

Answer. Possibly they might; I do not say they would not. But as a professional man I would have given the advice to a radical as well as to a democrat; I make no distinction on that ground.

Question. Would you have taken the risk of having done so if it had been a negro who had been engaged in such an outrage as that?

Answer. Well, I do not know; I defended a negro some time ago against the leading men on the grand jury with more zeal and ability than I ever defended a white man in my life. I thought he ought not to have been indicted; there seemed to be a great zeal to convict him, but I got the jury to acquit him in defiance of the leading men of the grand jury. I do not think I have made any difference between a radical or a democrat in my profession in the courts.

Question. I understand you in one of your answers to use about this language: "If I am asked if I am loyal to the Government, and I would say I was, I would not tell the truth."

Answer. I said a great deal more than that.

Question. What do you mean by the word "loyal?"

Answer. Well, there are two kinds of loyalty; one is the loyalty of force, where a man may be afraid of bayonets and the power of his government, and, therfore, he may support that government and sustain it by his taxes, and even go to war if he is compelled to do so, while in his soul he might hate it, believing it to be despotism. In my opinion, true loyalty can only exist in the affections of a man, and can only arise from a conviction that the government blesses him, that its power is used for the protection of his person and property. Such loyalty I had when the war commenced toward the Federal Government; I had it all through the war, though I was in the confederate congress; I never saw the day when I would not have come back into the Union. Mark me, I would not have come back except as an equal State in the Union; I would stand by my section. Lives there a man on earth with soul so dead, &c.?

Question. You say there are two kinds of loyalty?

Answer. Yes; there is a loyalty of force, which the British government gets from the Irish.

Question. You mean a loyalty that submits to force without resisting it?

Answer. Yes.

Question. There is another loyalty, from the heart?

Answer. Yes, sir; where you love the government on account of its blessings.

Question. Which loyalty is it that you do not possess?

Answer. The loyalty of the heart; I have not affection for the acts of the Government; I do not believe the measures of the Government are right; I would alter them if I could, by the ballot.

Question. You draw a distinction between the measures of the Government and the Government itself?

Answer. I do. I am very much in favor of republican government.

Question. This is not the only republican government on the globe.

Answer. I suppose you call France a republic; Switzerland is a republic.

Question. So is San Domingo.

Answer. Yes, after a fashion.

Question. You say you draw a distinction between the measures of the Government and the Government itself?

Answer. Yes, I do.

Question. Have you the loyalty of the heart toward the Government itself, of which you spoke.

Answer. I have not the loyalty I had before the war, and never shall have, unless I am allowed the rights of a citizen; I never shall love the Government unless I am allowed the rights of a citizen; by the Constitution I am now deprived of them.

Question. Suppose your disabilities were removed, would you then have a loyalty of the heart toward the Government?

Answer. A great deal more than I now have, because I should feel that it was my government, and now I do not feel that it is. It is yours, you who have the power; I cannot do anything at all. But then it would be our Government, and I would go to work with you, and meet you on the stump and talk about alterations of the Constitution, &c.

Question. If those amendments which the reconstruction policy of Congress has put into the Constitution of the United States, involving equality of rights for colored men, are all to stand as they are, would you prefer the Government of the United States, or a separate government, under which separate government, of course, you could remedy all that thing?

Answer. By George! that is a pretty hard question. I have been powerfully opposed to the severance of the Government; I think we would then have forty little petty tyrants, as in Europe.

Question. Do you think the southern white people of your State, or your part of it—I am not speaking of yourself—do you think that those people love the Government of the United States so much as not to prefer to have a confederate government or a separate government in its place?

Answer. I tell you there is a heap of them would prefer a separate government to that state of things.

Question. Is that the prevailing sentiment?

Answer. It would be, with the knowledge that there could be no change.

Question. That the three amendments of the Constitution are to stand?

Answer. That is, that they could not control suffrage for themselves, that there should be universal suffrage among the negroes, and disqualification of themselves for office?

Question. Subject to the action of Congress?

Answer. They would not be satisfied to live under the Government in that way; I think they would live under it, but I would not bet on them if there was a fair chance to throw it off; I would not bet on them in the event of a foreign war, and a serious difficulty, and I am bound to say so. The Federal Government might have trouble, and a heap of it.

Question. It would have trouble from the rear?

Answer. I think it would.

Question. You think the Federal Government is in danger by letting this reconstruction policy stand?

Answer. It would not be for a long time; we have a hope, glimmering as it is, that when all the excitement of the war has passed off, when all the smoke has cleared off, so that the sober-minded men of the North can see things in their true light, you will rectify it. I believe if the democratic new departure goes on, and the democrats embrace the negroes of the South and control them, as I think they would, I think you republicans would be wanting right straight to take the back track. I may be mistaken, but I think you would say directly, "We have made a mistake with these infernal negroes which we have set free; they now take up with our enemies, and they are not entitled to suffrage." I may be mistaken in that, but if such a thing as that might not happen, you may shoot me. I think if the democrats should set their minds to it they could control the negro population just as employers do their under-strappers; if they should say, "You must go with me, or you cannot work on my plantation, you cannot ride my horses;" not shoot him, not use any violence, but just influence him in that way, I think that they could do it. I never said a word to a negro on my place in my life about voting.

Question. You had reference to a foreign war, a matter in which the Government should feel great interest?

Answer. It ought to, and ought to have a united people.

Question. Do you think there would be danger in that direction?

Answer. There certainly would be danger; if the people of the South had concluded that this was the settled policy of the Government forever, that the two races were to be equally entitled to rights, in some of the States the black race dominating the white race, I think they would try to get out if they saw daylight.

Question. When there is an organized movement of such widespread dimensions as

this Ku-Klux, composed entirely of democrats, does it not strike you as probable that that organization has some view to action in case there should be a collision between this country and some foreign power?

Answer. I do not think that ever entered into their calculations.

Question. Would it not be a most efficient organization in that event?

Answer. It would, of course, wherever there was such an organization.

Question. Does not the existence of such an organization greatly enhance the danger to the Government in the event of war?

Answer. It would.

Question. Do you suppose those southern men who were so earnestly engaged in the rebellion and inaugurated it believed they were doing wrong when they did so?

Answer. Some did, and some did not. I say they believed they were doing wrong; let me qualify that. I think Mr. Yancey, for instance, who was a man of intellect, and whom I knew personally, and Mr. Rhett, those life-long secessionists, were the most dangerous class of men in the South and in the country. But I believe they were honest men, though very dangerous, and they would overturn the Government. I knew Rhett well, and talked with him a great deal; he talked very seriously. I do not know but that is revealing some of the secrets of the confederate congress, but not to hurt. He absolutely threatened, in the early stage of the revolution, to make South Carolina secede again from the confederacy, showing that he is a revolutionist; but he was honest.

Question. I am not speaking of an exceptional case like Mr. Yancey.

Answer. There were a whole class of politicians like him.

Question. As a general thing, did the people believe they were right, that they were justified in doing what they did?

Answer. I cannot say that. I tell you that my State, on a fair vote of the people, was 50,000 for the Union; and they dared not bring back the question of secession to the people of Georgia. As Mr. Yancey said, it was a plan laid to precipitate the cotton States into a revolution.

Question. Have they repented of it?

Answer. The masses?

Question. No, the leading men who control Georgia?

Answer. Well, some of them were very honest in that; they thought there was danger. There were two classes of men; there was Yancey and his squad, who wanted a separate government, and they just seized upon slavery as a means of influencing the people. They had this grand scheme of conquering Mexico and Central America and putting them on with the Southern States, and then importing African labor as soon as southern sentiment would permit it, and so develop a cotton republic that, in their opinion, would be the most powerful government in the world.

Question. After the war had commenced, after the State had gone out and seceded, then was there a general feeling among the people there to go with their State?

Answer. Their was. But you did not let me get through. There was another class of politicians, like Toombs and other men, who really thought the rights of the South were in danger in the Union; but I think that as soon as they went into the war they were imbued with the idea of a separate government.

Question. After the war commenced the great body of the people believed they were right in going with their State?

Answer. They did.

Question. They fought the United States under that impression?

Answer. Under that impression and force together. I opposed the infernal conscript measures in the confederate congress. The people had quit fighting and wanted to stop, and we hoped to break their plans and bring the States together again.

Question. Have those men who inaugurated this secession movement, and those who afterward followed them, repented of it as having been a crime?

Answer. Not all of them. I speak of the prevailing common sentiment. I think the masses have repented in sackcloth and ashes. "Common men!" God bless you! there were 50,000 majority of Union men to start with. They were sorry they started; they were sorry the war went on; there never was an hour, if they could have helped themselves that they would not have done so. But they had not the machinery of the government, and they were conscripted and made to fight. I know that they wanted to stay under the emblem of liberty—the Stars and Stripes.

Question. They were sorry all the time?

Answer. Of course they were.

Question. There was no repentance on their part?

Answer. As a matter of course.

Question. The people of Georgia, as is the case with the people of most of the Southern States, have generally been controlled by leaders?

Answer. Yes, sir; my observation is that they are very much so in all States.

Question. Are they not very much under the control of leaders now?

Answer. In Georgia?

Question. Yes, especially the democratic portion of them?

Answer. I do not think there are men in Georgia with the same influence that Butler and Wilson have in Massachusetts.

Question. Have they very much influence?

Answer. I doubt very much if they have; however, they are not peculiar in being led by leaders, in my opinion.

Question. Do you believe these secession leaders have repented of their acts?

Answer. Very few of them.

Question. Are they not principally under disabilities now?

Answer. Some, but the worst men among them have been pardoned by the Government, and put at the head of the present radical government down there, and that is the worst element of discontent among us. How can I stand it to see Brown, who persecuted me all through the war, put at the head of the government, and with more influence with General Grant than any other man in Georgia? How can I stand that? I think Mr. Lincoln had a strong common-sense view of the question, and, as he talked to me, he seemed to understand that there was an element at the South of which he could have made a great loyal party, and which would have controlled this Government for all time to come. But in your quarrel with Johnson you took up the negro element and made a party out of that.

Question. You have said that you believed the removal of disabilities from those men would have a wholesome effect upon the affairs of the State of Georgia?

Answer. I think it would.

Question. Are not the colored people in favor of that?

Answer. So far as I have observed, they are infinitely more generous than those old grown-up fire-eaters who have been pardoned by the Government and continue to rule us.

Question. Does not that entitle the colored people to very kind treatment from those men?

Answer. I will be swamped if it does not; and they have it from me.

Question. How, then, do you justify the Ku-Klux?

Answer. Justify the Ku-Klux! Good Heavens! Just listen to him! Do I justify them?

Question. You say it was for a good purpose.

Answer. I say it is for a good purpose, and that they have acted wrongly in some things. If at any time there is anything so bad that society cannot stand it, we can get together in a moment and rectify it. For instance, if we have a riot among the negroes, or anything of that sort, we can control them in a short time.

Question. We had a little bit of an argument upon an ecclesiastical question a few moments ago.

Answer. Yes.

Question. And you called upon your knowledge of Scripture in instancing the parable of the returning prodigal.

Answer. Yes.

The CHAIRMAN, (Mr. POLAND.) I think we had better leave the prodigal out; I do not think it is worth while to institute a parallel between the returning South and the returning prodigal.

The WITNESS. Why, God bless you, I am perfectly willing he should talk about that, for I think I know as much about that as he does. The prodigal returned, and his father fell on his neck and made much of him; but if the old gentleman had collared him and commenced kicking him, I think he would have been ready to peg out again.

WASHINGTON, D. C., *July* 14, 1871.

HON. AUGUSTUS R. WRIGHT, (examination continued.)

WITNESS. There is one explanation I would like to make before my examination is resumed. I observe that the Chronicle this morning reports me as having testified yesterday that the Ku-Klux organization existed in every county of the State. That is a great mistake. I did not so testify. I have no reason to believe that the organization exists except, as I remarked yesterday, in localities about in the State. There are only a few places where I have any reason to believe that there are any organizations of that sort; two or three, I think, would cover it, but in different portions of the State.

By Mr. POOL:

Question. In how many counties of the State do you think the organization does exist, from what you have heard, as well as from your own personal observation?

Answer. I think, sir, from my own observation and from facts of which I may say I have a pretty good knowledge, that there are three counties where I think there have been organizations, and probably are now; that is, there are three localities where I have known of these disguised men committing these depredations, and where I have reason to believe the Ku Klux existed.

Question. What counties are those to which you refer?

Answer. One is the county of Chattooga. As I remarked before, I think the organization has existed in that and one or two adjoining counties along on the Alabama line.

Question. How many counties do you embrace in that statement?

Answer. I should include Floyd—only a small portion of the county along the line of Chattooga County; and in the county of Walker, also along the line. I think there are some men who have engaged in these operations in disguise. I think that those three counties are all. I think there are some men in Floyd and Walker who operate with the Chattooga men, and a good many from Alabama, over the line.

Question. Are those the only counties, so far as you know, in which the organization exists?

Answer. No, sir. There is the county of Polk right below us, due south from Floyd. As I stated yesterday, a client of mine came up to see me about one hundred disguised and armed men who had sent him a note by a negro. He was a democrat. You asked me if I knew any democrat who has been Ku-Kluxed. I think this gentleman votes the democratic ticket. In his case there was a family difficulty originating about a marriage. I suppose from that fact there is an organization there. I never had any intimation of it until a few days ago. The week before last, I think, the doctor was at my house and staid all night. Then I was on a visit in a county on the other side of the State—on the Savannah River, in the county of Wilcox—the county in which Mr. Toombs's town is situated. I was stopping at my friend Colonel Thomas Barksdale's, twenty miles from the village of Washington on the Savannah River. There were twenty-five disguised men who rode by his house one morning about day-break. Those are the places where, according to the reasons I have given, I think there were these local organizations.

Question. They all came under your personal observation?

Answer. Yes, sir; to some extent. As to Polk County, I got my information from the doctor, who showed me the note that had been sent to him by a negro.

Question. In what counties have you heard of this organization operating?

Answer. I have heard of depredations in the city of Columbus. At that place, Ashburn, who was a pretty prominent man, was killed by disguised men. The manner of his killing, however, rather led me to believe that there was nothing like an organization. There seemed to be but few men engaged in that affair. I think they killed him in the city of Columbus. The affair happened, I believe, in 1868. Ashburn was a prominent politician. I forget whether he was a Southern man, or a Northern man who had been South before the war. He had been an overseer of a plantation, and was said then to be living in a state of adultery with a negro woman in Columbus, (I do not know whether that was so,) and that he abandoned his family in defiance of public sentiment. These are rumors or reports; I do not know anything about their truth.

Question. In what other counties have you heard of the organization existing.

Answer. In the county of Cherokee I have heard of riots and troubles, and, I think, the whipping of a man whom I knew very well when I practiced law in that county—who was a desperate bad man—a gambler and a thief. Whether they whipped him for his politics or not I do not know; whether he was a radical or not, I do not know; but I think I may say, from my own knowledge, that he was a wretchedly bad man. He was whipped, and I was told run out of the county; and I reckon it was so.

Question. Did you hear of colored men being whipped in that county?

Answer. I am not sure. It seems to me that I heard not a great while ago of some case where they whipped a negro.

Question. In what other county have you heard of the organization?

Answer. Adkins, who I believe was a senator from Warren, was killed; but I am not sure about his county. I did not know the man; but he was a member of the legislature. I think he was killed by disguised men, but only two or three of them.

Question. Did you hear of any whipping in that county?

Answer. No; there may have been whippings there, but I think that was the only thing. That county is distant from me a good long ways.

Question. Do you recollect of any other counties where you have heard of these outrages being committed?

Answer. There was some killing done in the city of Savannah or about there. My remembrance is not definite on that point. It seems to me that the affair was rather in the nature of a riot. There were some negroes killed there. I think the affair was in the nature of a riot about the polls. I do not think the men were disguised.

Question. Do you recollect any other county?

Answer. I do not recollect any other in that State. Across the line I doubt not there

are others that I have heard of, but they have passed out of my mind. In fact, I am sure there were others.

Question. Was not a judge, who had been foreman of a grand-jury, killed in your your State, or was that in Alabama?

Answer. I do not remember the incident; it may have occurred; I would not say whether it had or not.

Question. How about Sumter County?

Answer. Sumter County is very remote from the region in which I live. I think I have heard some rumors of difficulties in Sumter, but I cannot give you particulars whether they were white men or negroes.

Question. Did you ever hear of any of these outrages in Jackson County?

Answer. Well, sir, I am satisfied I have heard of others, but I cannot undertake to designate that county as one of them.

Question. Did you hear of any in Clarke?

Answer. I do not remember now of any other county; but I am sure I have heard of some others.

Question. How about Oglethorpe?

Answer. Was it in Oglethorpe or Washington County where they shaved Bryant's mule's tail, and committed some depredations of that sort? Those were disguised men, I believe. He is a lawyer and was at court, and I was informed that they painted the mule, shaved its tail, and committed some depredations of that kind.

Question. Did you hear of any whippings there?

Answer. I do not think I did. Yes, these twenty-five disguised men that I saw at Colonel Barksdale's, I was told, had whipped a negro.

Question. Have you heard of any occurrence of this kind in Morgan County?

Answer. I cannot remember that I have?

Question. Walton?

Answer. I cannot remember anything by the name of the county.

Question. Did you hear of a member of the legislature being whipped in that region of country? Did you hear of the case of Alfred Richardson, a colored member of the legislature?

Answer. If I did, it has passed from my mind. I have an indistinct recollection of the name of Richardson.

Question. These counties to which you have referred are in different localities, scattered over the State?

Answer. Yes, sir; they are diffused over the State.

Question. You said that the judges in your State were incompetent?

Answer. No, sir; I did not say that. I said they were men who, as a rule, were not much known as professional men before the war. A great many of them are men whom I appreciate. We have, you know, a great many brethren at the bar who are not very much gifted with information or genius, but still we appreciate them as good sober kind of men.

Question. You have no special complaint against your judges? [Witness hesitates.] Is it a fair bench in the main?

Answer. I think it is a fair bench in honesty, but not in capacity.

Question. Is your supreme court a good bench in capacity?

Answer. McCoy, who is a republican, is a man of capacity. So is Warner; he is an old and able judge. Lochrain is an Irishman, and I have a poor opinion of his capacity. He belongs to what is called the aristocracy—did before the war and still does. He is a man of social habits; drinks a good deal. I do not think much of his capacity; and I do not think the democratic legislature will confirm him.

Question. How many judges are there on the supreme bench?

Answer. Three.

Question. Two of them are men of legal capacity?

Answer. They are.

Question. Is your supreme court a court of appeals?

Answer. Well, you may call it a court of appeals. We take cases up by writ of error. We do not appeal, technically speaking. We have cases that we appeal from the lower court to a higher, that they may be tried over again. But in the supreme court we never try anything but a controversy of law.

Question. Then you can carry to the supreme court any question of law?

Answer. Yes, sir; we can carry up any case where we think the judge below has erred in deciding the law.

Question. So that you may correct any errors of law committed by the circuit court bench?

Answer. Yes, sir.

Question. Do you think that Governor Bullock ever pardoned men except upon petitions signed by respectable citizens and asking for the pardon?

Answer. I do not say that at all. I presume there were petitions for the pardon of every man who has been pardoned, and probably those petitions were signed by some

respectable men; but that he has pardoned a great many who ought not to have been pardoned I am satisfied. But I reckon all the pardons have been granted upon petitions.

Question. Has there been a habit among respectable farmers of the country to ask for the pardon of colored men that they might have them back on their farms to work?

Answer. No, sir; I cannot say that there has been any such habit.

Question. Has not that frequently been the case when colored men were put in the penitentiary for minor offenses?

Answer. Such cases may have occurred. They have not come under my observation. I do not remember any case where a farmer applied for a pardon in order to procure the labor of a negro.

Question. You have no difficulty in convicting negroes who are charged with offenses before your courts?

Answer. Well, sir, I have sometimes thought that they were convicted a little too easily. I have felt grieved sometimes when I have seen black men convicted in cases where I thought white men would not have been.

Question. You think, then, there is a disposition rather to convict the negroes than to acquit them?

Answer. I think a negro, if charged with crime, is more easily convicted than a white man. I am afraid so, though there is more justice done to the negro now than injustice, a great deal. I have sometimes defended colored men very successfully. I defended one not long ago against the whole power of the grand-jury and acquitted him.

Question. You say you have not known any of these Ku-Klux to be convicted except in the case referred to by Mr. Forsyth?

Answer. No such case occurs to me. As I remarked yesterday, two who were tried in my county were acquitted. I acted as their counsel. I do not remember any conviction. The truth is, I do not remember any other trial.

Question. You say that the governor offered large rewards for the apprehension and exposure of persons guilty of these outrages?

Answer. I do say that the rewards have been of unheard-of and unreasonable amounts.

Question. In that class of cases?

Answer. I do not know.

Question. Were not his rewards principally for that class of cases?

Answer. Well, there were a good many for that class of offenses, but certainly not all, by any means. There seemed to be a peculiar mania with the governor to offer a high reward for a white man who killed a negro under any state of facts, even if he did it in a fight, an ordinary collision. He seemed to have a mania on that subject.

Question. Would not the fact that notwithstanding the great number of these Ku Klux outrages in various parts of the State none had been prosecuted, be a very good reason why the governor should offer rewards, and large rewards, in that class of cases?

Answer. Well, if it were not for involving some friends of both sides politically, I would tell what I know about a combination that was a very unholy one—against law and justice and everything else—to bring in some of those fellows for whom rewards had been offered, for purposes of speculation. But I do not want to tell that. The rewards may have had the effect of procuring the arrest of some men who would not have been arrested otherwise; but they have also had the effect to introduce a system of absolute gambling in arrests to get rewards.

Question. As so many outrages had been committed by these Ku-Klux in different parts of the State, scattered in widely different localities, and as no one, so far as you recollect, had been brought to trial except in one case in which you have mentioned, was not that a good reason why the governor should offer heavy rewards in that class of offenses?

Answer. You see the reward had reference to the arrest; and I do not know that there has been any difficulty in the arrest of these men. They have been arrested without trouble, without rewards, so far as I have observed. Those in Floyd County without any reward were arrested instantly by the citizens and brought up.

Question. They were the men whom you defended?

Answer. Yes, sir.

Question. Did you ever hear of any trial except that one?

Answer. No, sir.

Question. Did you ever hear of any arrest, except in that case, for a Ku-Klux offense?

Answer. There were the arrests in Floyd, and those over in Chattooga.

Question. That was in pursuance of a reward?

Answer. Yes, sir.

Question. Except in those two cases, has anybody been arrested in any part of the State for offenses of this character?

Answer. Well, I do not recollect any more arrests now; they do not occur to me, but I have never known of any more difficulty in making arrests for these offenses than any other. There might be more difficulty in convicting, but there is no difficulty, I

think, in arresting. I do not think there is any difficulty justifying the offering of these rewards. If I am correctly informed, Governor Bullock has paid a single man $6,000 for an arrest.

Question. You have reference to the case of Mr. Forsyth?

Answer. No, sir; a totally different man. I think there was six or seven thousand dollars paid to the sheriff of Chattooga County, and Mr. Forsyth got a part of it. But I have reference now to another case—the case of a man by the name of Murphy. I think he has been paid $6,000 for arresting men. I was so informed by the sheriff.

Question. These outrages have been committed principally on colored men, have they not?

Answer. Yes, sir.

Question. And the fact that a colored man is more apt to be convicted in your courts than a white man—in other words, that justice is not evenly balanced between the races——

Answer. Well, that is a very delicate subject. I think the negro is a little more easily convicted, but I do not think it amounts to anything like corruption. I think it originates from the natural inequality that has existed between the races heretofore. It is difficult for a white man to bring himself up to regard the right of a negro with the same sacredness as that of a white man; which, I think, we ought to do. I have occasionally felt mortified when I saw, as I thought, that the negro was more easily convicted.

Question. Taking the two facts together, that the negro who commits an offense is more easily convicted on account of the local prejudice against him, and the other fact, that the great bulk of these outrages by the Ku-Klux (who have not been arrested) have been committed upon negroes—do not those two facts taken together present a case in which the executive arm ought to shield the colored man? You complained that Governor Bullock seemed to favor the colored man.

Answer. I said he seemed to have a sort of mania on the subject of offering rewards for the arrest of white men who had killed negroes, no matter what was the nature of the occurrence.

Question. I ask whether the facts I have just mentioned do not present a case in which the executive arm ought to have been raised especially in defense of the colored race?

Answer. Well, my opinion is that the governor, as the executor of the law, ought to be perfectly impartial, and ought to know neither white man nor black man. In my opinion that would be his precise duty. I complained a little just now that sometimes the white man does not do the black man all the justice that he ought. I do not think that he ought to do him more than justice or that he ought to be more vigorous in arresting a white man for killing a negro than in arresting a negro for killing a white man. I do not think the governor can be justified in the enormous rewards he has offered and paid. My opinion is that it is a system of favoritism to pay particular men the people's money. I do not think Governor Bullock a good governor. As I told you yesterday, I think he is more defiant of public opinion in what he conceives to be an honest, faithful administration of the State government than any man I ever knew to be in power. I certainly have no personal prejudices against him, for he has done me no personal wrong in any way.

Question. He seems to be especially defiant of that public opinion which is antagonistic to the negro?

Answer. Yes, sir; he is certainly very defiant of that.

Question. I will reverse the form of my question. Suppose there had been great numbers of outrages committed by negroes upon white men, as great as have been committed by the Ku-Klux upon negroes, and that none had been brought to justice or even arrested; and suppose there was a disposition in the community to convict white men more readily than negroes, would you think the executive would be doing wrong to raise his arm to shield the white man against that inequality?

Answer. O, I do not think he does wrong to raise his arm to shield either the white man or the negro; I think it is his solemn duty to protect both. But it is one thing to raise the executive arm properly according to law, and another thing to do it wrongfully. My idea is that he simply uses the treasury for the purposes of plunder, to give the public money to his favorites. I will not mention names, but I will state a case which is a direct answer to your inquiry. He offered not long ago a very large reward for the perpetrators of a certain act of violence committed in the county of Floyd last Christmas—a case of Ku-Kluxing some negroes; but there was no whipping or other actual bodily violence done. The negroes were frightened by the exhibition of the Ku-Klux uniforms and arms, and by their large talk. There was an application made to me to know whether it would do to bring in two or three young men who were lying out on account of that difficulty, that those who brought them in might get the reward. There was a combination of a democrat, a radical, and one whose politics I do not know, to get the reward; and they had proposed to these young men to come in and deliver themselves up, representing that they could not be convicted, that the proceedings

would not amount to anything, and that if they would come in and deliver themselves up, the reward could be obtained, and they would divide it up among themselves, and these fellows were to get a part of it.

By the CHAIRMAN, (Mr. POLAND:)

Question. As to these rewards which the governor has offered, were they to be paid except on conviction?

Answer. I think they were for the apprehension of the offenders. That is my remembrance; but I will not positively so state, though I am pretty confident.

Question. It has been stated by other witnesses that the rewards were only to be paid on conviction.

Answer. That can be settled, and I will have it settled. But my impression is that the rewards were payable upon the apprehension of the offenders. They may possibly have been payable on conviction, for I recollect it was said that the penalty would not be heavy upon these men even if they were convicted—that they would be amply compensated after the judgment of the court. In that case there was no killing—the offense consisted only in the terror created in the minds of those colored people. The punishment would have been, perhaps, a fine and a small imprisonment. I know it was supposed that the young men would be amply compensated for coming in and delivering themselves up.

By Mr. COBURN:

Question. In point of fact, did not offering the rewards have the effect to interest democrats as well as republicans in arresting the Ku-Klux?

Answer. Well, not honestly and faithfully. I think that the Ku-Klux or men who understood the organization got a large part of these rewards. I think the Ku-Klux and the radicals divided it. Why, in Chattooga County the solicitor general got seven hundred dollars. He got it, as he says, as a lawyer's fee; but the circumstances were these: The promise was made to him that if he would go down and exert his influence with Governor Bullock to get the reward for certain parties, they would give him so much.

Question. He got that as a lawyer's fee?

Answer. That was the view he took of it; he thought that he had a right to take it; he got a part, and I think a member of the Ku-Klux fraternity got a large part; that is my opinion.

Question. If one of these men who got this reward paid a part of it for a horse or a house, would it not be just as fair to say that the man who sold the house or horse got a part of the reward as to say that the solicitor general got a part of the reward in the case you mentioned?

Answer. I do not know that he got a part of the reward; but I think that he admits that he got the money in the way I stated, for using his influence. Now, I think a lawyer is justified in defending in court the greatest horse-thief or other criminal that ever lived; I would do so if he was able to pay me; but it is another thing to go to the legislature or the governor, and on the strength of official influence get them to pay out the public money; I hardly think that comes within the range of professional duty; but there may be a difference of opinion on that subject. I like Mr. Forsyth, and think he is a very clever young man, as a rule.

By Mr. POOL:

Question. You said there were two or three young men charged with having gone in disguise and perpetrated some sort of an outrage?

Answer. Yes, sir.

Question. Had the good men of the community undertaken to arrest them and bring them in?

Answer. Not that I know of; there never had been any application for their arrest, so far as I heard, until the publication of this reward.

Question. There had been nothing done to arrest them, and they were lying out?

Answer. Nothing had been done that I know of. I do not know that they were lying out. I rather think they were at home till the reward was offered, and then they ran away.

Question. They were arrested?

Answer. No, sir; they were not arrested.

Question. Ought they not to have been arrested?

Answer. Yes, sir; I reckon that any man who violates the law ought to be arrested; but unless somebody makes an application for it ——

Question. The reward procured their arrest, did it not?

Answer. It has not yet. It procured this combination to have them come in and divide the reward among themselves.

Question. Have they been tried?

Answer. No; they have not come in. I advised them not to come in. I told them

the scheme was simply a plundering of the treasury, and I did not think any honest man ought to participate in any such operation.

Question. Then, even the reward does not bring them in?

Answer. It did not bring them in in this case; they have not come in.

Question. In such a state of things do you not think the governor ought to offer a reward to induce somebody to act, if nobody will act without it?

Answer. Well, "what is everybody's business is nobody's business." I suppose it is as much my business to have these men arrested as anybody else's.

Question. I think so.

Answer. Now, if the negroes had made application in that case I suppose a warrant would have issued, and the men would have been arrested or run out of the country.

Question. Is it not the practice of the Ku-Klux to threaten negroes whom they whip, that if they give information of the matter and undertake to have them arrested, they will come back and whip them again or do them some other damage?

Answer. That may be the practice, but we have hundreds of cases where negroes have had these men brought up. I am now defending a man charged with rape. The woman did not hesitate to have him arrested; and he is a farmer of considerable property.

Question. He committed a rape?

Answer. She swears that he did; he says that he did not.

Question. It is not supposed that the rape was committed by any of the Ku-Klux?

Answer. O, no.

Question. The case has no connection with that organization?

Answer. No, sir.

Question. I am speaking of the Ku-Klux; and I asked if it is not their habit to threaten their victim that if he gives information against them they will visit him again?

Answer. It may be; I do not know. I think it very probable they would make such threats, but I do not know any case of that sort.

Question. Would not such threats deter the victims from coming forward to have the offenders brought to justice?

Answer. In some cases it would. With a man or woman of weak nervous temperament, that might be the effect; on some it would have a contrary effect.

Question. Would not that be a reason why rewards should be offered in this specific class of cases?

Answer. Well, it might be, provided the rewards were reasonable in amount. Our governors used to offer $100 for the apprehension of a thief, and perhaps $150 or $200 for a murderer. That was before the war They never went into the business in such sums as $4,000, $5,000, $6,000, and $7,000.

Question. Did you ever hear of organized bands of disguised men in various portions of your State before the war?

Answer. Not often.

Question. You mentioned a case where a negro, charged with robbing a white man, was pursued by the community and caught, and you had to intervene in order to prevent his being hanged before he had been put in jail.

Answer. That was last week, or week before last.

Question. Have you heard of any such rising up of the people to pursue any of the Ku-Klux who have whipped negroes?

Answer. No, sir, I never did; but my opinion is that if it had been a white man who robbed that fellow, the people would have been after him with a sharp stick—as much as they were after the negro. You see that case of robbery, as well as the murder, was done in open day, within five miles of the city, and there was a good deal of exasperation.

Question. Do you consider this Ku-Klux organization (of whose purposes you seemed yesterday to think rather favorably) a reasonable remedy for the corruptions practiced by Governor Bullock and other officers of the State government?

Answer. I do not think that it affects that matter in any way. I do not think Governor Bullock cares anything about the Ku-Klux; I do not think he is afraid of them; therefore I cannot say that they have had any tendency to restrain him; and I should not think their tendency would be to keep him from indulging in these expenditures.

Question. I did not ask that question.

Answer. You asked me if I thought these organizations had any tendency to prevent the corruptions of the State government; I say that I do not think they have.

Question. I ask whether this organization is any reasonable remedy—such a remedy as a reasonable man would adopt—for these corruptions?

Answer. The remedy is not a suitable one.

Question. Is there any evil in that community for which this Ku-Klux organization would be a reasonable remedy? If so, what is it?

Answer. You put in that word "reasonable?"

Question. Yes, sir; I mean any remedy which a man of reason and judgment would adopt.

Answer. It certainly is not the remedy I would adopt; but there are cases where I on my judgment, could but say that justice in the abstract had been done; but that is not quite my way of doing justice. I want to do justice according to organized law. Justice is very frequently done by just taking a fellow up and hanging him; but I want justice administered according to law and the principles of good government.

Question. And you say that justice can be done in a case where the charge is against a negro, for your juries rather lean to conviction.

Answer. In my opinion, justice can be done in the courts, as a rule; and I think that our people are improving in the administration of justice to the negro. I think that we will bring ourselves up to the point of administering justice to the negro equally with the white man.

Question. Are not a large majority of your county officers in Georgia, magistrates, and others, democrats?

Answer. In the lower part of Georgia the negroes are largely in the ascendency.

Question. I put the question as to the State at large.

Answer. You want me to state the average?

Question. Yes, sir.

Answer. I think the democrats have a majority of the county officers.

Question. In the whole State?

Answer. Yes, sir.

Question. How is it in your district, where these outrages by Ku-Klux have occurred?

Answer. Nearly all our officers are democrats, because that is a white region. We are not in what was strictly called the "cotton belt."

Question. In that region where the outrages you have been detailing occurred, and where the Ku-Klux organizations have been operating, you have nearly all the county officers?

Answer. Yes, sir; nearly all the subordinate officers. The republicans have the judges, and we generally have the clerks, sheriffs, &c.

Question. The corruption and malpractice of the local officials have been assigned by some witnesses as a reason for the Ku-Kluxing in their localities. As I understand, there is no complaint of corruption or malpractice on the part of your county officers?

Answer. I do not remember any case of that sort.

Question. Nothing of the kind?

Answer. No, sir.

Question. I understood you to say that Mr. Blodgett and Mr. Burnett were put in charge of the State railroad by Governor Bullock; did you say that Mr. Burnett had any control in the management of that road?

Answer. Burnett held some office down there that I never heard of before. It may have been an office that existed according to law; I never examined into it. Mr. Burnett is a citizen of my town, and I asked what office he had, and in reply, some office was mentioned which I had never heard of.

By Mr. BLAIR:

Question. Was he not an agent on the road?

Answer. It seems to me he was some sort of an agent, or assistant superintendent. Some such position as that was mentioned to me as the one which he filled.

By Mr. POOL:

Question. The manner in which you stated the matter yesterday would seem to indicate that Mr. Burnett had some power of independent action; that he was not a mere agent.

Answer. O, no; I did not mean to convey that impression. Blodgett was the superintendent, and Burnett was a subordinate man to Blodgett. Blodgett was considered the superintendent; and Burnett, I think, ranked next to him, according to my understanding; he did at least in salary, whether he did in power or not.

Question. Who is the attorney general of your State?

Answer. I think my friend, Colonel Farrow, is the attorney general now.

Question. Is he a democrat?

Answer. He was a republican; he ran for governor against Bullock, and was defeated.

Question. Did he run as a democratic candidate?

Answer. No; he ran as a republican candidate in the convention; but Bullock beat him. I do not know which party he acts with now. There was some difficulty between him and Bullock. The republicans rather divided into two wings.

Question. Is he an honest, upright man?

Answer. Well, there are a good many people in Georgia who would kill me for saying so, but it is my honest conviction that he is an honest man. He is my personal friend, — and I believe him to be an honest man.

Question. A man of ability?

Answer. Yes, sir.

Question. A good lawyer?

Answer. Yes, sir; a fair lawyer.

Question. A man of character?

Answer. Yes, sir; he suits me very well; but he is very obnoxious now to a large portion of our people; they think him a very bad man; they lay a great many things to his charge; but I do not believe them, because I know him personally. I believe he is a gentleman and a man of honor; and I know he will fight, for he fought a duel lately. That is a good sign.

Question. What would be a good way to break up the corruptions in regard to these railroad matters? Could there not be a proceeding before your courts by way of information?

Answer. Yes; they are bringing such proceedings before the courts every day.

Question. By information filed?

Answer. By legal proceedings of one sort or another. Some are brought in one way and some in another. For instance, there is a bill now pending charging these frauds in the lease of the road.

Question. Has the attorney general taken any action?

Answer. I do not know whether he takes any interest in that.

Question. Is it not his duty, if the State is being defrauded, to file some information, and have the matter investigated?

Answer. Well, it might be.

Question. From your statement I should presume the proof of fraud and corruption to be very plain?

Answer. I think it is.

Question. Why does the attorney general hold back and decline to act? He has the power, and it is part of his duty, is it not?

Answer. I am thinking how far it would be his duty *ex officio* to get up a thing of that sort. I do not think it would come within the range of his duty, unless there was some proceeding filed on the part of the State of Georgia by order of the governor or the legislature.

Question. Might not any of the citizens have information filed in the name of the State?

Answer. Well, I suppose they might; but it might be set aside. I am thinking whether it would or not. That is a legal question which I do not know exactly how to answer. If you are a lawyer, perhaps you are as capable of answering it as I am.

Question. I am not acquainted with the laws of Georgia; I could answer it as regards my own State.

Answer. I do not remember any statute on the subject, but, on general principles, I am doubtful how far the State's attorney would be authorized, on the application of a single individual, to file a bill to set aside a contract made between the State of Georgia, of which the individual is a citizen, and other men who are defrauding the State. The citizen has an interest as a tax-payer; yet I do not think a mere citizen could do it; I think it would require State action.

Question. I happen to know that it has been successfully done in two or three instances in my own State without any statute.

Answer. I would not say it could not. I am not certain but that I could file a bill myself, but I do not know that I could. How far it would be the duty of the State's attorney to prosecute the case I am at this moment in doubt; perhaps a citizen would be required to apply to an ordinary attorney, and to pay him a fee.

Question. As soon as a case goes into court in the name of the State, the attorney general appears *ex officio*?

Answer. Yes, sir.

Question. Did I understand you to say that Governor Brown is making a million of dollars a year on that railroad?

Answer. I said yesterday that, according to his admission the other day, he made in the month of March $128,000 gross income; and taking the ordinary running expenses under the administration of the road before the war, when Dr. Lewis was superintendent, the expenses then being a little under or over $30,000 a month, Brown could pay into the State treasury the entire rental of the road, and leave him a clear margin of nearly a million dollars a year—between $800,000 and $900,000.

Question. Then I was not mistaken in supposing that according to your judgment he is making a million dollars a year out of that road?

Answer. In my opinion he will make this year—the first year—from half a million to a million dollars, and as soon as he can get the thing a little regulated he will make a million annually, clear profit.

Question. For himself?

Answer. No, sir; for the company.

Question. Do you mean defrauding the State out of that amount?

Answer. I mean that, in my opinion, he will, in a year or two, after he gets matters regulated, make a clear million per annum for the company, and that he will make this year over half a million.

Question. And that would be defrauding the State to that amount?

Answer. I think so; I think the State ought to have it. But it did not get anything under Blodgett's administration.

Question. Did I understand you to say that Governor Brown was leagued with Bullock in the frauds with which you charged Bullock?

Answer. I said that was the general impression.

Question. Did you say that during the war Governor Brown was a bitter secessionist—bitter against Union men?

Answer. Governor Brown sent to the legislature a message, asking them to pass a bill to confiscate the estates of Union men who had gone within the Yankee lines, as we called it, and to send off by violence their wives and little children to be set down over the line. I know that Union men generally regarded him as one of the most inveterate and intense haters of the Union element in Georgia.

Question. I thought that the position of Governor Brown was adverse to the confederacy for a long time?

Answer. I know that he and Davis had a deuce of a quarrel; but I never understood that he faltered in his fidelity to the confederate government. He was fierce against Davis, because Davis, in his opinion, was weakening the cause of the rebellion.

Question. Did you say that the lease of the road made to Mr. Cameron, the Secretary of the Interior, and others whom you name, was in the interest of Governor Bullock, and that they were now sustaining him?

Answer. I said that the general opinion was that Governor Bullock was interested in the railroad lease.

Question. You mean the lease to these gentlemen?

Answer. Yes, sir; and I said further that they sustained his administration. The only man against it that I know of was Alexander H. Stephens. He was originally in the lease; but as soon as he discovered that the State of Georgia had been swindled, he wrote to the company that he should return his stock to the State.

Question. Was Mr. Ben Hill in it?

Answer. Yes, sir; he was in it.

Question. Does he continue in it?

Answer. Yes, sir.

Question. Is that, in your judgment, one of the symptoms he manifests of coming to the republican party?

Answer. That, with various other symptoms, which I think are unmistakable. He wrote a very remarkable letter in which he seemed to have discovered new beauties in republicanism—so much so that our papers took him to task; and he wrote an explanatory letter which seemed to leave the matter in doubt. A correspondent of the Tribune interviewed him the other day, and then he seemed to indicate that he was going to head a new party soon in favor of the republicans. You know that old Jacob said, "Joseph is not, and now they take my son Benjamin." Well, the democracy down in Georgia can, I think, say the same thing. Joseph is certainly already gone, and Benjamin seems likely to be taken away. How you republicans manage to get as honest men as Hill has appeared to be, from his notes on the situation, I do not know; you must have some way of charming the fellows.

Question. I do not understand you to think that there was any honesty in that lease transaction.

Answer. I do not.

Question. I understood you to say that there was an attempt to commit a Ku-Klux outrage on the governor of the State.

Answer. I said I had heard a report that at one time, when Governor Bullock had gone on to New York to attend to some of his financial arrangements, certain gentlemen entered the railroad car at Augusta, expecting him at that time, (this is what I heard; I do not know whether it is true or not,) but that he did not come that way; that he came by Chattanooga when he did come. It is altogether possible that that story may have been true.

Question. Have you any reason to doubt it?

Answer. Oh, yes; there are hundreds of these rumors that I hear that are not true.

Question. The rumor that you heard was that a large number of disguised men came upon the car?

Answer. No, sir; not a large number, but a number of disguised men.

Question. They got upon the car?

Answer. Yes, sir.

Question. Publicly?

Answer. They just walked into the car, according to what we heard; they anticipated the arrival of Governor Bullock on that train.

Question. Have you heard that statement denied?

Answer. Yes, sir.

Question. Have you heard it said the thing did not occur?

Answer. It was denied in one of the city papers in Augusta, which stated that there was no truth in it.

Question. Did it say there was no truth in the statement that the men had gone upon the cars, or that there was no truth in the statement that it was their intention to attack the governor?

Answer. The paper stated that there was no truth in the story that any disguised men came upon the car at all. It stated that no such thing had occurred; that it was a pure fabrication. I think that one of the city papers said that.

Question. Where did it occur?

Answer. Augusta is where rumor said it occurred.

Question. Among the white men of Georgia who are members of the democratic party and opposed to the reconstruction acts of Congress, is there as much love and affection toward the Government as there was in 1861?

Answer. I know there is not as much loyalty toward the Government in the South as there was before the war, for we were a very loyal people; the Union element was very powerful there.

Question. Take the year 1861, when, as you said, there would have been 50,000 majority against secession in your State. Is there as much affection now toward the Government among the white men of Georgia as there was at that time?

Mr. BLAIR. In answering the question, Judge Wright, I wish you would distinguish between the feeling in regard to the Government and the feeling with reference to the administration of the Government.

WITNESS. I am trying to take in the whole point and bearing of the question. In my opinion, in 1861, Georgia, on a fair vote, would have given 50,000 against secession if the question had been directly submitted.

Question. Is there now among the white men of Georgia as much kind feeling toward the Government as there was at that time?

Answer. I want to do full justice to that question, and tell the precise truth upon it. The difficulty is how to answer it so as to elicit the truth exactly. For instance, in 1861, there was a powerful element in favor of severing our connection with the Government. There is no such element at the South now. If there is a man at the South now who thinks of resistance to any measures of the Government, I pledge you my word I do not know him. The most violent man there does not, in my opinion, anticipate or desire anything of that sort.

Question. Is that because they see no hope of resisting successfully now, as they did hope to do in 1861?

Answer. Well, that is one cause.

Question. Is that the main cause?

Answer. No, I do not think it is.

Question. What is the main cause?

Answer. I think that thousands of men who were very violent then have had their feelings and judgments corrected by the disasters that have come upon their section.

Question. When you say that they have had their judgments corrected by disasters, is not that equivalent to saying that they see now no hope of success?

Answer. No; a man may be sobered by adversity; there is no question about that. And I tell you that the mass of our people are the poorest that the sun ever shone upon; and they ought to be the objects of the sympathy of every good heart on the face of the earth. A great many of them who were formerly in wealth and affluence have not now bread to eat. That is a fact within my knowledge. I meet men every day making appeals for help. All that class of men are sobered by adversity. Our people did not know what revolution meant. You see we had never been engaged in a war; and with many men it was supposed to be a sort of pastime or frolic. But they now know what it means; and I tell you it would take powerful moving causes to get up another revolution down there—a good deal more than it would to get up one in the North. You have not experienced the horrors which our people have. As certain as you are born, they would not listen much to a man who wanted to get up another revolution down there. As to the disposition to resist the authority of the Government, there is none of that. I can say, with a full sense of my responsibility in the statement, that there is no disposition to resist the authority of the Government. No man can move one inch on the line of revolution in my State, and receive any countenance from the people. They are sobered by adversity. They have suffered, it seems to me, as no people ever did on the face of the globe. At the present time there is not in the South affection toward the Federal Government, from the reasons which I told you yesterday. We have only felt the hand of power, as we think, unjustly and disastrously, to elevate our former slaves not only to equality with us, but above us, to keep a large portion of the intelligence and virtue of the community disfranchised, and to put the negro, in that regard, not only equal with, but above the white race. It looks to us as if there were a constant tendency on the part of the Government to have us ruled by the negro race and the few whites who go with them. Our governments down there up to this time have been bad and corrupt; the treasury has been plundered. Scarcely anything, we think, has been done rightly. The people are dissatisfied. They look upon this state of things as the result of the reconstruction measures of Congress. Therefore,

ir affections (as would be natural with any people on the face of the earth) ar
at they were toward the Federal Government before the war, and they neve
come so by the use of force. Mr. Lincoln showed his good sense when he said
at he intended to forgive these people, because republican government could
e maintained in that way. The affections of the people are not right. They
an be until they take a different view of the action of the Government, or unt
ction of the Government is modified or changed.

Question. In what respect modified or changed beyond the granting of genera
nesty?

Answer. Well, the primary thing is general amnesty and the withdrawal of t
and letting the people regulate for themselves their own affairs. In my Stat
white man can maintain his power. The white race will never be satisfied wher
negro has power and can dominate. I have no idea that in a hundred years the
man will be satisfied if the negro has the power to dominate him. I do not thin
American would be satisfied to be dominated by any foreign element—by the Iri
the Dutch, or any other foreign people; and it is more offensive, of course, to be
nated by the negro, because he has been a slave. In my State, if you will let us
we can control the State government; we will elect our governor, and I think we
have an honest, faithful administration.

Question. Elect him by what sort of votes?

Answer. Democratic white votes and a few negroes. If the democratic party
left to themselves they would, as I said yesterday, control the negro votes, just as
votes of the mechanics, &c., are controlled in the North.

Question. You say that if let alone by the General Government the democrats
take charge of the State government?

Answer. Yes, I think so.

Question. How could they take charge of it if the negroes continued to vote wit
republican party?

Answer. Well, I say we would get some negro votes, and we could beat the
side, by some ten or fifteen thousand at any rate, because we have that many
white voters than the voters on the other side, counting the negroes.

Question. Is the Government preventing you from doing that?

Answer. No, sir, not now; and, as I said yesterday, I want to run for governor
fall a year; I want to win the race, (and I expect to do it if I run,) mainly on t
capture of the State road from Cameron and those other men from Pennsylvania
elsewhere who have now got control of it.

Question. Do you think the organization of the Ku-Klux in the various counti
the State has no view in that direction?

Answer. As I remarked yesterday—I may be mistaken—I have no idea that
object is to control the ballot of the negro by force, because I do not think it nec
to use violence to control the negro. In my opinion, we can control him just
want to, in the same way as the manufacturers in the North, who have large nu
of dependants in one way or another, can control them. Where is the manuf
in the North who does not say to his subordinates, "You have got to vote with
won't have men in my employ who vote against my interests?"

By Mr. BLAIR:

Question. Has the governor of your State the power to remove the judges?

Answer. We don't think he has; but that is a question. You know he
Kirby. I told him to hold on, for I said, "I'll be swamped if you can put hi
the synagogue." But there was a discrepancy of opinion on that subject. If
read our constitution attentively, you will find that the question is somewh
ful. However, the governor went on the principle that Kirby had not been
It is settled that he cannot turn out a judge who has been confirmed. But
had not acted on the appointment of Kirby; therefore, in his case, the q
doubtful. Now Lochrain, who was put on the bench by Bullock, has not
firmed by the senate. At the time the governor appointed him he issued
bulletin, (I hardly know what to call it,) stating that the appointment was
and subject to his disposal; he intimated that he intended to appoint so
finally.

By Mr. COBURN:

Question. There was one point in your testimony yesterday which I am
I understood correctly. What, in your opinion, is the general principle o
the Constitution which was violated by the President in making arrests
military power?

Answer. As I understand your question, it is by what provision of th
the President gets the power to arrest a citizen by military force, in
Our understanding of the principles of the common law (it is my un
least, and I think it is the general view) is, that in time of peace a ma

arrested by civil process. We do not understand that arrests can be made by the military unless there is some resistance to the law; and in the case under consideration there was no resistance to the law. I recognize the President's right, if there was any armed resistance to the execution of legal process, to have interfered on application.

Question. That is the reason you hold such exercise of power to be dangerous?

Answer. Yes, sir.

Question. Do not the democrats of Georgia, in point of fact, regard the adoption and enforcement of a policy of reconstruction by the President, without consulting Congress, as very dangerous in a free government?

Answer. Yes, sir; I do, and I think the democracy generally do. I think the President ought to consult Congress in regard to any general act of reconstruction.

Question. In point of fact, do not many persons there regard such an act as more arbitrary and dangerous than many arrests such as you mention?

Answer. Yes, sir; I should think it dangerous for the President to branch out on his mere will to reconstruct the South, without saying anything to the national legislature; that is, provided we needed any reconstruction. There was a difference of opinion on that subject, you know. Some persons had the idea that we did not need any reconstruction, that we never had been out of the Union. There are hundreds of questions, political, civil, and every other sort, that arise in connection with that matter.

Question. Are you not aware of the existence, as a fact, of a wide-spread sentiment in the South that after the rebellion was put down, the people who had aided in suppressing it should have been consulted as to the settlement of public affairs there?

Answer. Well, I do not think there was such a sentiment.

Question. If, then, the people who had saved the Union and put down the rebellion should not have been consulted in settling the policy of reconstruction, who should have been consulted? I wish to know the sentiment of your people on this point.

Answer. I think the sentiment of the people is that Congress had the power to reconstruct them, provided they were ever out of the Union. I do not know what public sentiment would have been on that subject. I as a Union man never thought we were out. I denied the validity of the ordinance of secession, and so, I think, did the Union party as a rule. I know that there was some descrepancy here among legislators on that subject. Some said we were out, and others said that we never had been out. The people in the South, after the war was over, stood waiting to do anything that the Federal Government said should be done. I think that many of them expected to be hanged. That is my candid conviction.

Question. Do not a majority of the people there hold it to be neither safe nor proper to allow the work of reconstruction to be done by the President alone, without consulting the people through Congress?

Answer. These questions have never agitated the public mind.

Question. Are they not the questions that agitate most deeply the public mind? Congress is charged constantly with an arbitrary exercise of power in reconstructing the governments of the Southern States; and the very ground of justification urged in many cases for existing disorders is that we should have restored those people to political power at once without amending the Constitution, or in any way depriving them of any right which they had formerly enjoyed. If I have understood your testimony, you complain because your people did not have all their political rights restored at once after the rebellion. Did you not urge as a ground of complaint that this had not been done—that you and others in like condition had not been unconditionally restored to all political rights and powers immediately upon the close of the civil war?

Answer. Well, I expected to be myself, and I think the great body of my people did; and that opinion was formed from conversations with General Sherman and Mr. Lincoln.

Question. I want you to answer as a question of fact whether a majority of the people there do not hold it to be neither safe nor proper to allow this question of reconstruction to be settled by the President alone, without consulting the people through Congress?

Answer. I candidly believe that if public sentiment had been called out and expressed upon the subject, after the war, it would have been that we had never been out of the Union; that we were still in the Union; that we had been in a state of rebellion; and that those who had participated were liable to be punished, and those who had not participated were not liable in that way. I think that would have been the general opinion of my people. There was, soon after the close of the war, an immense rush for pardons, under the general impression that there would be confiscations or executions for treason. At that time some men made fortunes——

Question. You do not meet my question. It is whether the people there held it to be a safe line of policy to allow the President to dictate the terms of reconstruction, without consulting the people? In other words, did not the people down there feel it to be better that this question should be settled by the people, through Congress, instead of being left entirely in the hands of the President of the United States?

Answer. I do not think there is any public sentiment on the question whether Con-

gress or the President has the right to control reconstruction. I think the people are better satisfied with Congress's reconstruction than with the President's.

Question. Did the people there, as a matter of fact, prefer the exercise of the one-man power in the adjustment of the troubles caused by the rebellion, or did they prefer that the legislative power of the nation should do that work?

Answer. I think that under the view which the Government seems to take of reconstruction, that we needed reconstruction, and must be reconstructed, the southern people would prefer that Congress should do it; would think it safer that Congress should do it. I think the idea of one-man power is very abhorrent to the people of the South. As sure as you are born, we are republicans down there in the sense of being in favor of the people voting and ruling.

Question. Do you think the people down there supposed, when the war was over and the rebellion suppressed, that nothing at all would be done, by constitutional amendments or acts of legislation, to make the Government more safe, and prevent further rebellion?

Answer. O, no; we expected that slavery would go up. At least I did, and I think the masses of the people did.

Question. Is it, then, any just ground of complaint that we have gone on and amended the Constitution, and passed certain acts of legislation in relation to that very matter of reconstruction? In the opinion of your people, should we have left the Constitution as it was?

Answer. Well, we down South would greatly prefer it as it was—greatly prefer it, with the exception of the emancipation of the slaves. I do not think that one man in a thousand in the South would have slavery restored in any shape. But in regard to everything else, I would prefer the Constitution the way it was. For instance, on this question of suffrage, we think that taking the control of it away from the States and putting it in Congress struck out one of the most radical and fundamental principles of our form of government.

Question. In point of fact, are those amendments which have been made subsequently to the war, and as a result of the war, regarded by your people as tyrannical and despotic—made without right, and not upon a just basis?

Answer. Well, they are not pleased with them. They think the effect upon the people of the South is oppressive. As to the question of the right of making them, we think the people of this Government had a right to make any amendment to the Constitution that they saw proper, according to the terms prescribed; and if those amendments have been made according to the provisions of the Constitution, we say the people had a right to make them.

Question. These measures are made the justification of all this outcropping of crime—these whippings and murders?

Answer. They are a source of dissatisfaction.

Question. Now, if we had the right to adopt those measures, do you consider that complaint as fair and reasonable?

Answer. You might have a right to do a thing, and yet we might not be pleased with your doing it. For instance, we hold that the people of the United States have a right to make any amendment to the Constitution that they see proper, provided it be made according to the provisions of that Constitution.

Question. Do I understand you to say that it is a fact that the prevailing sentiment in the South is that there has been no forgiveness by the nation of the southern people for their rebellion?

Answer. Yes, sir; I think the prevailing sentiment is that the Government is bitter toward them yet.

Question. Do not many persons consider that allowing the rebels, after the surrender, to go home, retain their property, enjoy the protection of the law, and live there subject to no arrest, trial, or punishment, was clemency and kindness without a parallel in the history of the world?

Answer. I never knew a case in the history of any nation where the whole body of rebels were put to death or their property confiscated.

Question. Did you ever know any case in the history of any nation where political power, immediately after a rebellion, was put into the hands of the rebels?

Answer. We do not think we have got it yet.

Question. Have you not universally the right of suffrage, and do not a large number of you enjoy the right to hold office?

Answer. A portion of our people have the right to hold office.

Question. In addition to that, have you not had your property restored to you, have you not enjoyed the protection of the law, and the retention of your social and civil rights?

Answer. What property was not destroyed by war we still have; most of it was destroyed by the desolation of war.

Question. Then I understand that your people do not regard any of these things as acts of clemency and kindness?

Answer. I think a portion of our leaders expected to suffer very much; but I think the great body of our people supposed that this nation, like other nations, would forgive the great body of the people and punish some of the leaders. I think the leaders, from the way they cut off to Europe and other places, expected that the Government of the United States would punish them severely; and in that respect I think the Government may have acted with clemency. For instance, take the cases of such men as Toombs and myself, if you please; the Government did not confiscate our property.

Question. I was merely asking for the fact as to the general sentiment of the people.

Answer. Well, I think the general sentiment of the people was that the masses would be forgiven, of course; I think that was the general idea. A great many of them felt in their hearts that they had never intended to rebel, in the proper sense of the term; that they had been forced by their State governments into a rebellion which they never did like.

Question. Do they not understand their present condition to be the result of great clemency, kindness, and forbearance on the part of the men who restored the Union?

Answer. In some respects, but not in all.

Question. In what respects do they not so consider it?

Answer. For instance, the act of the Government in continuing these disabilities upon a large portion (as I remarked yesterday) of those whom we regard as our best men is considered as an act of hostility on the part of the Government. We feel again that taking the negroes (especially in States where the white people are in the minority) and giving them the control of the government did not originate in the sound judgment and good sense of the North, but in feelings of anger, arising from the revolution, which have not yet abated.

Question. Are there not thousands of people in that section of the country who believe it to have been the honest conviction of the majority of the republican party that when the negroes were made free, their freedom should be accompanied with the right of suffrage, not as a matter of spite toward the southern people, but as a safeguard to the rights of the negroes?

Answer. I know that is the republican view; the republicans say that they gave the ballot to the negro for the purpose of his protection.

Question. I ask whether a large portion of the southern people do not sincerely believe that the republican party thought it necessary to give suffrage to the negro for his own protection, and for the general peace of society down there, among whites as well as blacks.

Answer. We do not think the republican party did so from that motive. We regard it as having been done by way of penalty upon us as traitors. We think that the wisdom of the republican party at the North knows as well as we do that the negro race is not capable of self-government; and that especially in all those States where the negroes dominate the whites, bad government is inevitable under such a system. Our people think that the feeling of the republican party toward us was about this: "It don't make any difference how badly you are governed; you are a set of rebels anyhow; we never took away your property as we might have done, and now we will let the negro wool you."

WASHINGTON, D. C., *July* 14, 1871.

NEDON L. ANGIER sworn and examined.

The CHAIRMAN, (Mr. POLAND.) As this witness has been summoned at your request, Mr. Beck, you will please open the examination.

By Mr. BECK:

Question. State how long you have resided in Georgia, what official positions you have held there, and your means of information as to the condition of that State and its people.

Answer. I have resided in Georgia thirty-one years; in Atlanta twenty-three. During the rebellion, when secession was first agitated, my office was the headquarters of the Union Association of Atlanta. We were doing all we could to prevent that fatal error, as we thought it. When Georgia seceded, of course we had to play mum. As soon after as I could arrange my business so as to secure some of my property, (having a considerable family, I did not want to go away penniless,) I passed through the lines, and left the confederacy at great hazard, great expense, and great sacrifice of property. It was in 1863 that I went north; and I remained at Boston, or near there, until the close of the war. After the war terminated, I was urged to take the position of collector of internal revenue at Augusta, Georgia. I never had thought of holding an office; but I made application by request of my friends and was appointed. I went to Georgia and took possession of the office, in, I think, July or August, 1865. When I

went there the office was not ready; I had to arrange things. They had been shipping cotton off without paying any tax. I was ordered by the Government to collect the tax. I gave orders through the papers that no cotton should leave until the tax was first paid, and that railroads or steamboats carrying it off before the tax had been paid would render themselves liable to confiscation. I went on board the steamboats, and the captains seemed to give me all the facilities they could; and everything seemed to go off quietly. We had no disturbance then, and no disposition on the part of the people to resist any law. That was in Augusta. I became dissatisfied with the office and resigned. The truth was, I could not find men as assistants who could take the oath. I wrote to the Secretary of the Treasury, Mr. McCulloch, and told him I could not get competent men in that district to take the oath, and suggested that the requirement of the oath should be waived, so far at least as our department was concerned. He made the proposition to the Senate, but it was rejected. I resigned my office, and went back to Atlanta. There was no resistance whatever to enforcing the tax on cotton. I was then solicited to run for the convention. At first I did not wish to do so. A Loyal League committee waited upon me; and I finally consented to run, and was elected.

Question. As a republican?

Answer. Yes, sir; and I served through the convention. They then wanted that I should become treasurer of the State; I was elected by the general assembly to that position, which I now hold.

Question. When were you elected treasurer?

Answer. In 1868—the 1st of August or the last of July.

Question. You have been treasurer ever since, and are so now?

Answer. Yes, sir.

Question. And you have been a republican all the time?

Answer. Well, I have acted with the republican party all the time; I have been in favor of reconstruction; but since we have got things mixed up there financially, I have been fighting on the line of honesty, to keep our State from becoming bankrupt; and although called a radical republican all the time, I have, in the selection of officers taken the best men, whether republicans or democrats. Whoever I thought was the most conscientious and capable man, I voted for. I became so much disgusted with the manner in which our State machinery was running, that I could not always sustain the men whom the republican party put up, for sometimes they put up most incompetent men. When they put up good men I voted for them.

Question. What is your opinion as to the manner in which the laws are administered in the State of Georgia?

Answer. Well, sir, they have been violated. There has been very little regard paid to law. I am now speaking of our State laws.

Question. In what way have they been disregarded?

Answer. I speak with regard to the party in power there and the acts of the governor. As the records will show, there has been very little attention paid to law. If you want to know the points in which the law has been disregarded, I can show you in a few minutes. At the close of the war there was considerable old bonded indebtedness of Georgia; and on the 13th of December, 1866, this provision, passed by the legislature, was approved:

"That his excellency, the governor, be and is hereby authorized to execute said bonds prepared as aforesaid to the amount of $600,000, and to issue the same upon such terms and in such manner as he may deem best for the interests of the State, in exchange for or redemption of said old bonds of the State, falling due in 1868, 1869, and 1870."

That was a provision for taking up the old bonds falling due in 1868, 1869, and 1870. Those bonds have not yet been taken up. About $173,000 of those bonds are still outstanding. The reason is that the governor in 1868 sold $265,000 of those 7 per cent. mortgage bonds, and he used the proceeds for other purposes than the redemption of the old bonds. Fifty-five thousand dollars of the proceeds of those bonds he gave to H. I. Kimball to finish an opera house called Kimball's Opera House, in the city of Atlanta, although there was no appropriation for that purpose at all. The general assembly in 1868 refused to make any appropriation for that purpose. The governor went on and sold these bonds. He drew drafts in the first place in favor of Kimball for $35,000. Some of them were drawn in blank; they did not say to whom the money should be paid; but Kimball received the money, to be applied to this Kimball's Opera House, as it was called. The building was used for a State office. The city of Atlanta had leased it for a certain number of years. When it was found that this $35,000 had been used in that way, the general assembly called on me to make a report. I knew nothing of the matter. The governor used this money and for months never reported to me as treasurer. I got a report from the bank. Finding out the amount that had been used, the legislature appointed a committee to investigate the matter; and that committee reported that this was done without any authority of law and in violation of the expressed will of the general assembly. As soon as the general assembly ad-

journed, Governor Bullock went immediately to New York and drew a draft for $20,000 more on the Fourth National Bank and paid it to Kimball, notwithstanding the positive and emphatic action of the general assembly. The vote of the legislature on the report that was adopted was one of censure and condemnation of his conduct.

I will now take up the next point to which I would call attention. The general assembly passed an act authorizing the governor to issue a certain number of bonds to pay off the members of the general assembly and other expenses of that body. The expenses of the general assembly up to the time they adjourned were not exceeding $300,000—about $250,000, I think; but I will put them at $300,000. The governor issued bonds under that act to the amount of $2,000,000. He had my name engraved upon them without any authority and sent them off to New York without reporting them to the treasury at all He never did report them until I ascertained and reported them myself; then he made a feint of reporting them. He first undertook to make it appear that he had the right to use my name, when the law showed plainly that he had no such right and that the bonds were illegal without my signature. On the 30th of November last he wrote me a letter stating that he had ordered $500,000 of those bonds to be sent to the treasurer's office, canceled, from Clews & Co., New York, and that the balance would be along in a few days, as I think he stated. That balance has never come yet. That makes a million and a half still outstanding.

Then there was an act passed authorizing the governor to issue gold bonds to meet the bonded indebtedness and other expenses of the State. The general assembly at that time had not determined to put off the time of meeting till November. They really did not need any bonds for the purposes of last year; they were legislating for last year; but for this year, the meeting of the general assembly having been put off till November, I suppose that considering all the expense and extravagance that there has been there, the entire amount necessary might have been not exceeding $1,000,000 of bonds. At farthest not more than that was needed of these gold bonds. The governor had $4,000,000 of those bonds engraved.

The constitution of Georgia sets apart the poll tax, the liquor tax, the tax on shows, and some other small special taxes for school purposes. Those taxes are appropriated by the constitution for that purpose and no other. The last general assembly, upon the recommendation of the governor, passed a resolution to take those funds and use them for general purposes. I opposed it and would not pay out the funds for those purposes. I got an order from the governor to pay a particular amount to each member. I refused to do it on the ground that in the first place this fund was set apart and appropriated already. The law is that you cannot take funds appropriated to one purpose and apply them to another. The constitution already appropriated these funds. The other ground of my refusal was that the legislature could not by resolution make an appropriation; that it must be by bill, which must have its three several readings. I got a notice from the finance committee, who held a meeting on the subject. They seemed determined to have the funds anyhow, declaring that unless I gave up those funds they would be taken from me and I should be removed from office. I answered them very independently, stating that it was my desire to accommodate them if I could do so legally, but that under the circumstances I should not do it. They did not take the funds at that time, but they went to work and passed a bill, a regular appropriation bill, appropriating those funds to general purposes—placing in lieu of them, it is true, some bonds that the governor had before declared illegal. Those bonds are in the treasury now. They took the funds; after the passage of the bill I paid them out. There are none of those funds now in the treasury. The fund that has accrued since from poll tax and all other such sources is all used; there is no school fund for the education of negroes or anybody else; it is all used up, though we are paying a school commissioner and running all expenses. A very clever man named Lewis, a northerner, was appointed by the governor as school commissioner. He has an office and is running the expenses as if there were a school fund, but there is none.

Another point in which the State administration has violated the law is in the use of State railroad funds for other purposes than railroads. The law is that the funds of those roads shall be paid into the treasury of the State of Georgia at the end of each month, except so much as may be necessary for the expenses of the road. The governor has paid out large amounts directly from the receipts of the road, without the money ever reaching the treasury; and it has been paid for other than railroad purposes. A short time ago he paid to a committee that he selected himself, without any authority of law, to go to Kentucky to try to influence the general assembly there to grant a charter for a railroad from Cincinnati to Chattanooga, both places outside of the State of Georgia—the road not touching Georgia at any point—to pay this committee, for which there was no appropriation, and which was not authorized by any law, the governor drew his warrant for $2,729.

Here is another point which I have put down—approving the election law. The new constitution of the State of Georgia requires that a person to be a voter must in the first place reside in the State six months next preceding the election, and thirty days in the county. It provides further that no person shall vote who, if challenged,

shall refuse to take an oath, the form of which is given in the statute. The right of challenge is also given, and it is provided that no person shall be permitted to register, vote, or hold office unless he complies with certain requirements.

The election law on that subject provides:

"But they shall have no power to refuse the ballot of any male person of apparent full age."

So that the person offering to vote cannot be required to swear that he is twenty-one years of age, though the constitution requires that he shall be of that age.

Section 8 of this law provides:

"They shall not permit any person to challenge any vote."

The constitution gives the right of challenging; but the election law does not.

"Shall not hinder or delay."

When a person is challenged it is natural to suppose that it takes some little time, which may be called hindering and delaying.

The managers take an oath not to permit any one to challenge, which is contrary to the provision of the constitution securing the right of challenging. The oath which the managers take is:

"I will not permit any one to challenge, delay, or hinder any voter from the free and speedy casting of his ballot."

Those are the points violative of the constitution in the election law which Governor Bullock approved.

Here is a small item—the paying of an inordinate sum for the printing of the constitution of the State in pamphlet form. I have here a copy of the pamphlet. I have conversed with several printers as to what would have been the reasonable expense of getting up that book. The pamphlet contains simply the constitution of Georgia—nothing else, except what is called an analysis. Some of these printers with whom I have conversed, say ten cents a copy would be ample. Some say fifteen, and some say twenty. At the latter price ten thousand copies would cost $2,000. Most of them estimate the expense not higher than $1,500. The governor drew his warrant for $1,500 for the publication of that little book; and I paid it out of the treasury.

The next point is paying the interest on the Alabama and Chattanooga Railroad bonds, to which the State granted aid. The law on this subject provides:

"In the event that any bond or bonds, so indorsed by the State as provided in the first section of this act, or the interest thereon, shall not be paid by the said railroad company at maturity, it shall be the duty of the governor, upon information thereof, to seize and take possession of all the property of said railroad company."

The act then goes on to provide that the earnings of the railroad shall be applied to the extinguishment of such unpaid bonds and interest. The governor pays no attention to that provision, but is paying the interest on those bonds.

Question. Does the law which you have just cited require the seizure and sale of the road in case of default?

Answer. Yes, sir; it goes on and makes that provision.

Question. Without seizing or attempting to sell the road, the governor goes on and pays the interest?

Answer. Yes, sir. He has a sort of sub-treasury in New York; he has another in his office, and he has sub-treasuries all around. I call them sub-treasuries: they are unknown to the law. The law provides emphatically that no money shall be paid out of the treasury without an appropriation and a warrant. He pays no more respect to that provision than if there were no law. He gets the money from New York, or from the State road, or wherever he can pick it up from the sale of bonds, legally or otherwise.

Another point is in regard to paying more clerks than the law authorizes. It authorizes only one; he has five or six clerks in his office.

The law also requires that no warrant shall be paid as a reward unless the reward is published—that is, unless public notice of the reward is given in the papers.

By Mr. BLAIR:

Question. You mean rewards offered for the apprehension of criminals?

Answer. Yes, sir. The law on the subject is specific:

"The governor shall, in his discretion, offer, and cause to be paid, rewards for the detection or apprehension of the perpetrator of any felony committed within the State; but no such reward shall be paid to any officer who shall arrest such person in the regular discharge of his duty by virtue of process in his hands to be executed, nor to any person who has arrested the offender previous to the publication of the reward."

The governor paid to a Mr. Moss $6,000. The circumstances were these: The parties some four years before had left and gone to New Mexico. As I understand, they had committed some crime in Cherokee County. Those who are familiar with the circumstances say the men never would have come back or been heard of any more. This reward was never published; it was simply written out in the executive office and put in the secretary's office, with orders not to publish it for two weeks. The two weeks expired. The secretary went to the executive office, and they told him to still with-

hold it. Parties finally came with the proof that they had the prisoners. I believe they went clear to New Mexico to hunt them up. I refused to pay the warrants. I paid one for $2,000 before I knew the circumstances. They then pulled out two more, amounting to $4,000, and I thought it time to look into the matter. I found that the reward had not been published, and I refused to pay those warrants. Finally the legislature passed a resolution compelling me to pay them, and I paid them. Those same parties are now at liberty. They broke out (I do not know whether there was any understanding or not) and $6,000 more is offered for them. The illegality in that case was the payment of rewards which were never published.

By Mr. BECK:

Question. Have your school funds been misappropriated so that the schools in Georgia cannot be run?

Answer. We have not any common-school fund there. It is all used up. There are a few bonds there, but I do not suppose they could be negotiated.

Question. The machinery of the office alone is kept up?

Answer. That is all.

Question. Were there funds enough for your schools, if they had been properly used?

Answer. The funds were not large. I suppose the whole amount of those funds, if we had them, would not be more than five or six hundred thousand dollars.

By Mr. BLAIR:

Question. But are not those taxes which you mentioned to be added?

Answer. It does not all amount to more than the sum I have just named.

Question. Annually?

Answer. Yes, sir; those are annual taxes. The comptroller was required to separat the taxes; but since last August they have not been separated at all; they are all used just as common funds.

Question. I understood you to say that prior to that time these taxes produced five or six hundred thousand dollars a year?

Answer. No, sir; I did not mean to say that. I do not know what they did produce.

By Mr. BECK:

Question. Give us all the information you have relative to the granting of pardons by the governor, the general issuing of proclamations offering rewards, and the cost of these various things.

Answer. I have here a statement of the pardons granted by the governor. It is taken directly from the pardon-book, by Mr. Hemphill, who is the agent of the Associated Press at Atlanta, and the proprietor of the Constitution, a newspaper published there. It appears by this statement that since August 2, 1868, the governor has acted on four hundred and twenty-six applications for pardons. Of these, three hundred and twenty-one cases, involving three hundred and forty-six offenses, were pardoned, as follows:

Murders pardoned	48	Horse-stealing	7
Murders commuted	18	Bigamy	6
Simple larcenies pardoned	76	Forgery	4
Other larcenies	14	Perjury	3
Assaults with intent to murder	20	Robbery	8
Burglaries in the night	18	Fornication and adultery	7
Burglaries in the day	18	Seduction	1
Manslaughter	18	Incestuous adultery	1
Assaults	20	Arson	5
Assaults with intent to commit rape	5	Misdemeanor	9
Homicide	1	Bastardy	1
Cheating and swindling	3	Rape	1
Stabbing	3	Compounding felony	1

As regards the finances of the State, it is impossible to give testimony precisely without putting it in figures on paper. I have prepared a statement in that form, complying, as I understand, with the instruction which I received from the circular of the chairman of the committee, Mr. Scott. In this statement I have tried to present as clearly as possible the details in regard to the management of the State finances, and the contrast between different periods. This statement I certify to be correct.

The statement is as follows:

1857.	Ordinary expenses of Georgia				$275,632 43
1858.	do.	do.	do.		304,637 59
1859.	do.	do.	do.		369,653 53
1860.	do.	do.	do.		325,600 00
	Total ordinary expenses of Georgia for four years immediately preceding the war				1,275,523 55

1868.	Less than six months' ordinary expenses of Georgia	$401,865 08
1869.	One year's ordinary expenses of Georgia	848,298 23
1870.	One year's ordinary expenses of Georgia	924,413 27
	Total ordinary expenses of Georgia for less than two and a half years by Governor Bullock	2,174,576 58
	Subtract total ordinary expenses for four years under Governors Johnson and Brown	1,275,523 55
	Leaves against Governor Bullock's administration for less than two and a half years, more than Johnson and Brown for four full years	899,053 03

In the above estimates the payments on account of public debt are taken out of both accounts, also all appropriations to or for repairs of buildings. The payments on account of school fund do not enter into the account of either; as, under Governor Bullock's recommendation, the school fund has been taken and used for general purposes. The payments on account of artificial limbs and schooling maimed soldiers, burial of confederate dead, removing furniture, library, office fixtures, books and papers, from Milledgeville to Atlanta, are all taken out. Also payments on account of convention scrip. So each period stands fairly alike on ordinary expenses, which shows Governor Bullock's administration, for less than two and a half years, to have been eight hundred and ninety-nine thousand fifty-three dollars and three cents more than Governor Johnson's and Governor Brown's for four years.

With no deduction from the accounts as officially reported they stand thus:

1857.	Total amount paid out of State treasury						$511,789 90	
1858.	do	do	do	do	do		745,470 64	
1859.	do	do	do	do	do		874,465 92	
1860.	do	do	do	do	do		662,600 00	
							2,794,336 46	
1868.	Less than six months							$430,957 77
1869.	Twelve months							1,857,825 93
1870.	Twelve months							1,470,021 02
								3,758,804 72
	Deduct four years before the war							2,794,336 46
	Leaves an excess of Governor Bullock for less than two and a half years over four years							964,468 31

Nine hundred and sixty-four thousand four hundred and sixty-eight dollars and thirty-one cents.

Total for extra legal services for 1855, 1856, 1857, 1858, 1859, and 1860, (six years)	17,000 00	
Governor Bullock, for extra legal services, for less than half the time, has paid		36,600
Rewards for fugitives, 1855, 1856, 1857, 1858, 1859, and 1860, (six years,) all charged to contingent fund	1,400 00	
Governor Bullock has paid by warrants on the treasury, (not charged to the contingent fund)		51,100
Less than half the time though thirty times as much.		
Advertising proclamations, 1855, 1856, 1857, 1858, 1859, and 1860, (six years,)	5,000 00	
Governor Bullock has paid for less than half the time, by warrants on the State treasury		98,300
Incidental expenses of executive department, 1856, 1857, 1858, 1859, 1860, 1866, and 1867, (seven years.) Under this head only twenty dollars is charged, but I have included "small articles furnished executive department," and "articles furnished executive mansion," making in all	2,188 76	
Governor Bullock's "incidental expenses" for less than three years		23,800 00

The section of the appropriation bill, authorizing the governor to draw warrants on the treasury for services or labor authorized by the general assembly, for which no provision is made for compensation, has never been used by any governor except Governor [Brown]? and then in amount about seven thousand dollars, while Governor Bullock has

used it to the amount of four hundred and sixteen thousand six hundred and twenty dollars and ninety cents		$416,620 90

The annual general tax since Governor Bullock's administration has been about $300,000 annually more than it was before the war. Still he has had engraved six million ($6,000,000) dollars new State bonds, while the rate of State taxation now is over six times as high as it was in 1860.

Taking last year as an average, the tax for this year, independent of the rental of the Western and Atlantic Railroad, will be		$1,280,756 57
Rental of Western and Atlantic Railroad		300,000 00
		1,580,756 57
Ordinary expenses for 1871	$500,000 00	
(Which is considerably over the average before the war, and more than in 1860.)		
One-half rental of Western and Atlantic Railroad for school purposes	150,000 00	
		650,000 00
(This last amount, however, together with all the other funds set apart by the new constitution specially for common-school purposes, and to be used for no other, the governor has used, and is, using for ordinary expenses,) leaves a surplus to meet the public debt of 1871		930,756 57
Matured State bonds before 1870	$173,000 00	
Which should and would all have been hypothecated with the 7 per cent. mortgage bonds issued specially for that purpose, had not Governor Bullock, in violation of express statute, sold $265,000 and used a portion of the proceeds on the Kimball Opera House.		
State bonds due in 1871	154,250 00	
Interest due in 1871	427,375 00	
		754,625 00
Leaves a surplus for 1871		176,131 57

After paying all past due bonds and coupons.

Where the necessity for these six millions	$6,000,000 00
new State bonds Governor Bullock has had engraved, or any portion of them? With any regard for economy there should be a large surplus in the State treasury. At the close of 1869, I honestly estimated the surplus for 1870, after paying all liabilities, including the maturing interest, at over four hundred thousand dollars, to be used as a sinking fund.	
These six millions of new State bonds are exclusive of the State aid to railroads; for, independent of this amount, the governor has had engraved and sent to him State gold bonds, purporting to be for additional State aid to the Brunswick and Albany Railroad Company	2,760,000 00
Add to this the amount the governor reported to Henry Clews & Company the middle of March, as having received the indorsement of the State, (how many more since I do not know, as the governor refuses to answer)	5,923,000 00
The previous bonded indebtedness, including all bonds issued before 1869	6,554,450 00
	20,637,500 00
Deduct new currency bonds returned to State treasurer's office	500,000 00
And we have present State liabilities	20,137,500 00

counting all the bonds engraved, legitimate and in use, the amount of interest on which will be twice the amount of the annual general State tax.

But the evil and danger do not stop here. The governor approved bills granting further State aid, or indorsement, to railroads, to the amount of about thirty millions ($30,000,000) more. And if I have been correctly informed, State indorsed bonds have been issued by Governor Bullock before a mile of railroad was completed, or the first cent of subscription paid. If this recklessness and waste are not speedily stopped, but are followed up with new issues of bonds, the result is inevitable. The State will soon be absorbed, and the toiling farmers, with what little they can gather up, will be forced to flee their homes for safety from the tax-gatherers.

N. L. ANGIER,
Treasurer of Georgia.

Expecting that I should be asked in regard to Ku-Klux outrages, I have written down all that I know on that subject; and I would like this statement to go in as my testimony. Of course, after I have read it, I am willing to answer any questions.

The statement is as follows:

I know nothing of what are called Ku-Klux only from Madam Rumor and newspaper reports; have never seen one. Think lawlessness has exhibited itself in some sections of Georgia as it does at times in every State, and probably always will. Cannot say how far it has been political, but believe it was in some sections, and that bad men, both black and white, are now making use of the disguise for personal gain and personal revenge, and boys for mischief. Think it a wonder that people are as quiet and peaceable as they are, with the corrupt rings and terrible plunderings, and over three hundred pardons by the governor—a large portion for murder, in some cases before a trial. There is no such thing as general disturbance and never has been. Many negroes and some whites are addicted to stealing and licentiousness, and this has caused disturbance and violence in some locations. If individual accounts are true, there is a terrible condition of affairs in certain neighborhoods. Think these pictures are greatly overdrawn, as they have proven to be in most cases, and in some entirely false. Parties injured and at interest are apt to give extravagant accounts, and with unprincipled men wishing to promote political and selfish ends, this is a cheap and convenient way of making political capital and inducing large rewards for made-up sham cases. Think our courts are sufficient to restrain lawlessness if the governor will quit his wholesale pardoning. Am of opinion the rights of the negro are safer in the hands of upright, intelligent white jurors, than negro jurors in the present condition of that race. There is with some a strong prejudice, and even hatred, against the negro, mostly from political rights conferred on him; but a great portion of the wisest, best, and most substantial men, especially if they are politicians and have no objection to holding office, are rather pleased that these rights have been conferred to the extent of voting, as it makes more offices, and they will control the negro and through him gain political and representative strength for the South. The South, in general, admit the legal, binding force of the reconstruction acts and the new amendments to the Constitution until changed legitimately, if changed at all; claiming the right of repeal or a judicial negative.

Question. Does the statement of figures which you have presented embrace the general history of the outstanding bonds?

Answer. Yes, sir. In connection with my statement that I know nothing about outrages, I will say that I had some knowledge of the seizing of illicit stills. A squad of three or four Federal soldiers would sometimes be sent off to the mountains to arrest parties engaged in illicit distilling, but no one was ever killed or maltreated. The people did not seem to be very rebellious against these soldiers. They tried to secrete their stills, but nobody was hurt. The soldiers brought the stills in, and frequently the men along with them as prisoners. I never heard of any violence at all in connection with these matters.

Question. What effect do you think the wholesale pardons to which you have referred have had upon the administration of justice in your State?

Answer. It was generally reported, I recollect, in Hancock County or the county adjoining, that a negro said that he had instructions from Governor Bullock, that if they did such and such crimes they should be pardoned. Those pardons had a bad effect upon the community. Whether it was the truth or not, the general impression with the colored people was that if they committed crime Governor Bullock would pardon them. I was surprised myself when I saw the record of those pardons; I did not know that the pardons had reached one-tenth of the number that actually appears by the records.

Question. You spoke of money having been paid illegally to this man Kimball; state who and what he is?

Answer. He is a man who came to Atlanta, I suppose between three and four years ago; that was the first I ever saw of him. As to that opera house, my prediction has been verified in one respect. I said to a great many members of Congress here that that opera building would sell for $400,000, although it did not cost half that amount. It has been sold to the State for $380,000; so that I only missed it by $20,000. I have no question in my mind that Governor Bullock was interested with Kimball in the opera house and I judge so from this fact: When they were trying to negotiate a lease with the citizens, Governor Bullock took me into his private room at the National Hotel; he wanted to get my influence to pay $25,000 rent for the portion of the opera house needed for State purposes. I told him that it was an outrageous rent; that the city was not able to pay it. He did not say positively that the State would pay it, but intimated that he thought the thing could be arranged. We finally made the lease for $6,000 when he wanted us to pay $25,000. Another circumstance on which I found my judgment is that he paid $55,000 to Kimball without any appropriation, $20,000 of it being paid after the general assembly had censured him severely. These facts satisfy me that he was interested in the concern. The building was finally sold for twice its cost.

Question. Where is the residence of Kimball now?

Answer. He lives in Atlanta.

Question. Does he control some railroads?

Answer. It is reported that he has bought out the Brunswick and Albany Railroad, two hundred and thirty-five miles in length. Conant or Clews, in New York, are in some way mixed up in the affair, I believe.

Question. Has Kimball become a man of great reputed wealth?

Answer. I understood (I do not know that it is so) that he gave in his property recently at $500,000. When he came there, three or four years ago, he was reported to be bankrupt for a very large amount. I do not know whether he was or not. He now pretends to own a hotel which, with furniture and everything in it, I would presume to be worth not less than $600,000. Then he has bought this Brunswick road; when he pretended to buy it there had been issued to the road, I suppose, $200,000.

Question. Is he one of the lessees of the State road?

Answer. Yes, sir; I think so; he and Bullock run together in everything. I simply form my judgment from what I see; I have never seen the contract, and know nothing about the matter except from outside appearances. I understand that he owns also a majority of the stock of the bank there. He has taken stock in all the railroads. He is president, I believe, of four of these new railroad schemes gotten up lately.

Question. The Chattanooga and Atlanta Railroad belongs to the State, and is known as the State road?

Answer. Yes, sir.

Question. Give us, as briefly as you can, a history of the management of that road for the last few years.

Answer. The road, two or three years before the war, paid about $450,000 net earnings annually; sometimes it was over that, and sometimes a little under, I think. Since the war the freight over that road has vastly increased. Furniture, hollow-ware, agricultural implements, and everything of that kind, now go over that road from the West, being manufactured in Cincinnati. That freight used to go generally over other roads. Thus the business of the road is vastly increased. I understand that during most of the business season eighteen freight trains a day have been running. Governor Bullock is president of this road, *ex officio*. For the months of October, November, and December, 1869, the road paid in nothing; Mr. Foster Blodgett was then treasurer. In January, 1870, he paid in $25,000, and in February of the same year $20,000, making $45,000. From that time up to the close of his administration, December 27, 1870, he did not pay into the treasury one cent. Before I left, the treasurer of Georgia had paid over $400,000 of outstanding debts against the road, and it was said there was still a large amount behind.

Question. About how much?

Answer. I do not know; I understood there were several hundred claims that had not been passed upon.

Question. Was it believed that it would amount in all to $700,000?

Answer. It was reported by some of the officers of the road that it would amount to that. That is simply a report; I do not know that it is true.

Question. What has become of the money earned by the road?

Answer. Well, sir, that is the inquiry of the people generally; they believe it has been fraudulently used by the officers of that road. Nearly every man who had anything to do with it came there poor; Mr. Bullock, for one, never paid a cent of tax in Georgia in his life, unless he paid it this year. I have looked at the records myself; and up to last year, when the investigation of the committee was made, he had never given in a cent of tax. He is now buying plantations and stocking them with fine English stock; he has the best of everything and lives very fast.

Question. What is his salary?

Answer. Only $4,000 a year—not a third of his family expenses; I do not believe it is one-sixth. He remarked to a person that it would not feed his horses on oats. Every one who has had anything to do with that road came there apparently poor; and now they are all building new houses, and riding in fine carriages.

Question. In your opinion what ought that road under good honest management to have paid the State?

Answer. Mr. Jones, who was formerly treasurer of the State, and received the funds of that road for eight years, stated to me that his last estimate, which was in 1867, was $600,000 net earnings annually. Governor Brown, who was governor eight years, was in my office a little over a year ago, and stated to me that he knew the business of that road; that he had run it for eight years; that he knew what the rate of freight was when he ran it, and what it was now; that he had plantations on the road and was very familiar with its business; and that the road could be made to pay, and ought to pay at that time, $55,000 net earnings monthly. The estimate of Mr. Jones was $600,000 a year, which would be $50,000 a month.

Question. The road has since been leased to a party of gentlemen?

Answer. Yes, sir.

Question. Who compose that party?

Answer. Mr. Cameron, Mr. Delano, Mr. Thomas A. Scott, Mr. Kimball, Mr. Richar Peters, Mr. John P. King, Joe Brown, and others.

Question. Do Kimball and Joe Brown hold any more than one share each?

Answer. I do not know anything about that; they keep these things covered up.

Question. The governor is not ostensibly in that lease?

Answer. No, sir; if he is represented at all, I think it is in some fictitious way.

Question. Has any effort been made to conceal the true state of the indebtedness an liabilities of the State of Georgia?

Answer. Yes, sir. The law requires the treasurer to make reports of all bonded indebt edness—the amount of interest and bonds falling due. The treasurer is sworn to d this. This thing had been covered up so much in darkness by Governor Bullock, tha I wrote to Mr. Clews, requesting him to give me a statement of the bonds he ha received, the amount hypothecated, the amount sold, at what price, and what dispos tion had been made of the proceeds. My son presented the letter to Mr. Clews. Mr Clews immediately telegraphed to Governor Bullock, stating what I wanted. Governo Bullock telegraphed to Mr. Clews to answer no questions at all, and stated that if wanted to know such things I could learn them at his office. I wrote him a letter ask ing for that information; but I got no answer. The day I wrote the letter he was no there; but he got there before I left. I wrote a letter to his secretary, requesting statement in relation to the bonds of some of the railroads. I got no answer before I left, though the governor had returned and was in his office. The secretary, when my son went up, said that he could not answer it, and that he would refer it to Governor Bul lock. I got a letter from my son lately, stating that it has never been answered. The attempt is to keep all that matter concealed.

Question. The attempt of the governor and his friends who ought to give the infor mation?

Answer. Yes, sir.

Question. They have it and can give it, you think?

Answer. Yes, sir, certainly. I have here the statement of the party who engraved those bonds, showing that the governor has had four million of gold bonds engraved— out-and-out State bonds.

By the CHAIRMAN, (Mr. POLAND:)

Question. Did you reside in Georgia during the war?

Answer. I lived there until the last part of 1863. I went out during that time once I felt as if everything was going to ruin; I wanted to save a little, and I passed through the lines by the way of Memphis, carrying off what effects I could at great hazard. passed the videttes and pickets, I don't know how; but I did pass them without say ing anything to them. I came to this place. The way I got back was, that I was sen back by the Government on the steamer that was running to City Point, on the Jame River. I came on to see what arrangements I could make with the Government here I went back and got my family out.

Question. You succeeded in avoiding any complication with the rebellion?

Answer. Yes, sir.

Question. When were you elected treasurer of Georgia?

Answer. In 1868, on the reorganization of the State government.

Question. Is the treasurer of your State elected by the people or the legislature?

Answer. By the legislature.

Question. You came in as treasurer at the same time Mr. Bullock came in as governor

Answer. Yes, sir.

Question. Have you and Governor Bullock had a great deal of controversy and diffi culty?

Answer. None until he began to use those funds of the State.

Question. Your controversies have all been in relation to these official matters?

Answer. As you ask me that question, I can state fully how our difficulty first com menced, if you would like to hear it.

Question. I do not know that it is important. But, in relation to all these matters o which you have been testifying, you and Governor Bullock have been in controversy

Answer. Yes, sir.

Question. Has that controversy been very severe and bitter?

Answer. It has.

Question. There is no friendly feeling between you and him?

Answer. I do not speak to him. I think he would to me if I would let him.

Question. You consider him a bad man?

Answer. Very.

Question. A corrupt man?

Answer. Yes, very corrupt.

Question. A corrupt officer?

Answer. I do.

Question. You and he have made a good many publications on this subject in the newspapers and by pamphlets?

Answer. Yes, sir.

Question. Each of you has given to the public your version of these things in a great variety of ways?

Answer. Yes, sir.

Question. He does not admit what you charge—that he has been guilty of corruption?

Answer. He does not deny that he has done what I have reported here. He would not admit that anything he did was wrong.

Question. He does not admit that he has been guilty of any corruption in relation to these financial matters?

Answer. I do not suppose he would admit it.

Question. He attempts, in a public way, and in published documents, to justify all that he has done, does he not?

Answer. I do not think he answers these points as regards these funds which he has used. He disclaims, of course, doing anything illegal.

Question. The answers that he has made are not satisfactory to you?

Answer. Not at all.

Question. But he claims to have answered all these things in such a way as to show that he has not been guilty of any malpractice, misfeasance, or corruption in office?

Answer. I presume that he looks at it in that light.

Question. He so claims, does he not?

Answer. Yes, sir.

Question. How did you come to appear here as a witness?

Answer. I was summoned here.

Question. Had you any correspondence with the committee, or any portion of it, before you were summoned?

Answer. Yes, sir.

Question. With whom?

Answer. The chairman, Mr. Scott, sent me a circular, in the first place.

Question. Asking you to give, officially, certain information?

Answer. Yes, sir; asking answers to certain questions.

Question. You gave that information?

Answer. Yes, sir.

Question. It was an official statement so far as you could make it?

Answer. Yes, sir.

Question. Did you have any private correspondence with any member of the committee?

Answer. I do not know that there was any private correspondence. I received a letter from Mr. Beck.

Mr. BECK. It was not a private letter; you can tell all there was in it.

Answer. I did not understand that it was private. It simply stated that I might possibly be wanted as a witness, and that he would like me to post myself on the railroad matters and other subjects. It had no relation to politics or anything of that kind.

By the CHAIRMAN, (Mr. POLAND:)

Question. Did you answer Mr. Beck?

Answer. Yes, sir.

Question. Is that the only correspondence that you have had with reference to your attendance as a witness?

Answer. Yes, sir; that is all.

Question. You had no communication from Mr. Scott except the circular already mentioned?

Answer. That was all.

By Mr. BECK:

Question. Was not my only communication to you a statement that you might be called before the committee, and advising you to inform yourself about the management of those railroads, and, I believe, also about the pardons?

Answer. Yes, sir; I think those were the two points.

By the CHAIRMAN, (Mr. POLAND:)

Question. You think that Governor Bullock has been extravagant in his expenditures; that where the money he has paid out has gone for the public service, the items are extravagant?

Answer. They have been, as a general thing; sometimes ten, sometimes fifty times as high as corresponding expenditures before the war. I think they are very extravagant. I think they were intended to subsidize whatever they were applied to. I think that was his purpose.

Question. Where he has paid out money for any public service, you think he has paid a great deal too much—more than honest compensation?

Answer. Yes, sir; that is my idea.

Question. And you think that a good deal of the public funds has been absorbed by himself and his friends; has not been expended for the public service at all?

Answer. Well, I can say nothing except in relation to that contingent fund which has been absorbed, I do not know how, and those bonds; I do not know what has become of them; I am in the dark with reference to that matter.

Question. As to that contingent fund, how much of it has really been paid out for proper matters of public service and public concern, you do not know?

Answer. No, sir.

Question. All you know is that the expenditure is large—larger than was formerly made?

Answer. Yes, sir.

Question. Would you not naturally have expected that the expenses of your State would be very much larger now than they were before the war?

Answer. They probably would be somewhat larger, after what we have gone through with.

Question. Do you not know, as a matter of public information, that the expenses of all the Northern States are several times greater now than before the war?

Answer. I do not know how it is with them; I suppose their expenses are greater.

Question. Do you not know by public information that the expenses of the Northern States are very much larger than they were before the war?

Answer. I suppose that some of them are. I get reports from the various States, but I have not compared them.

Question. You know that the changes in the currency and changes in prices have tended to make everything vastly more expensive than before the war?

Answer. I believe that family expenses, &c., are a little more extravagant than they were before the war.

Question. Do you not know that wages and salaries of every kind have to be much higher now than they were then?

Answer. In some cases they are not. My salary is only $2,000 a year. I do not live on it however; I have other income. The salaries of the public officers of Georgia are the same as they were before the war. The salaries of the governor's secretaries have been increased, but the other salaries—the salaries of the governor, comptroller, treasurer, secretary of state, attorney general, and other officers—are the same as before the war.

Question. The first State bonds that were authorized by your legislature were some bonds to take up the old State debt?

Answer. No, sir; not since Governor Bullock came in. There were some bonds issued in 1866 to take up the old State debt. The first that Governor Bullock issued were in 1868.

Question. You read an act passed in 1866 authorizing the issue of $600,000 of bonds.

Answer. Yes, sir; those were to take up the old bonds.

Question. When were those bonds issued?

Answer. At different times.

Question. Were all of the bonds authorized by the act issued?

Answer. Yes, sir.

Question. Were they all issued before Governor Bullock came into office?

Answer. Yes, sir; those and more too. He received $604,000.

Question. If those bonds were all issued before Governor Bullock came into office, why have they anything to do with his administration?

Answer. They were not all used up. The bonds had not fallen due. They fell due in 1868, 1869, and 1870.

Question. Do I understand you to say that Governor Bullock misapplied any of the $600,000 of bonds authorized by the act of 1866?

Answer. Certainly he did; he applied them in opposition to the express provision of law. The law expressly declares that they shall be used in hypothecating and taking up the old bonds. He sold $265,000 of those bonds and appropriated them to other purposes—$55,000, I suppose, to Kimball, and the balance to State purposes—I do not know what.

Question. Do you mean to say that any portion of the money raised by the sale of those bonds was applied by him to anything not a legitimate State debt?

Answer. Yes, sir; I do say so, most emphatically.

Question. How much of that money do you claim he used for some other purpose than to pay indebtedness of the State?

Answer. I do not know of any more than the $55,000.

Question. What was that paid for?

Answer. To Kimball, for the Kimball Opera House.

Question. You say that he sold $265,000 of those bonds. Did he sell them at par?

Answer. No; they brought 89, 91, and different prices.

Question. So that he got something less than $265,000 in money?

Answer. Yes, sir; something less; I forget the exact amount.

Question. What is the Kimball House, a hotel?

Answer. No, sir; it is called the Kimball Opera House; it is used as a State house now.

Question. Some of this money was applied toward payment for that building?

Answer. I suppose it was. The governor let them have money, and he held the bonds; I do not know where he got the money, except by the sale of the bonds.

Question. Did he let the parties have that money privately or as governor?

Answer. He let them have it as governor; he signed the checks as governor.

Question. It was understood that this building was being erected with a view to its being used by the State?

Answer. Yes, sir.

Question. That was understood when it was built?

Answer. Yes, sir.

Question. And the State, through Governor Bullock, advanced a certain amount to Kimball?

Answer. Yes, sir.

Question. That building was subsequently sold to the State?

Answer. Yes, sir.

Question. In the payment by the State for that building, was the money which had been advanced by the State counted as part of the purchase-money?

Answer. I believe the bill included it, but I have no knowledge of the transactions.

Question. Have you any reason to think that the money which you suppose came from the sale of those bonds, and which was advanced to Kimball, was not accounted for between him and the State when the building was settled for?

Answer. I presume it was accounted for. I do not know how they could get around it.

Question. Then the wrong, if there was any, on the part of Governor Bullock, in connection with that matter, was in applying that money to a different obligation of the State from that which the law contemplated?

Answer. It was not an obligation of the State at all. There was no obligation to pay the $55,000.

Question. It was an obligation that the State contracted at some time?

Answer. The State had not contracted at all, in any way. The building was leased by the city of Atlanta for the use of the State for ten years. Governor Bullock paid $55,000 to Kimball, to finish it, without any appropriation.

Question. At that time had the State no interest in it?

Answer. No, sir.

Question. But the State did subsequently buy it?

Answer. Yes, sir.

Question. You do not claim that that purchase was unauthorized?

Answer. I do not want to give the manipulations that were gone through.

Question. The State bought it by virtue of a legislative enactment?

Answer. Yes, sir.

Question. And this sum of money which, as you suppose, Governor Bullock had advanced was accounted for as part of the purchase-money?

Answer. I suppose so.

Question. Have you any reason to doubt that it was?

Answer. Only from the general rascality going on there.

Question. Have you any belief on the subject?

Answer. I have a belief that they swindle and plunder whenever they can.

Question. Have you any belief that, in the settlement for the price of that building between the State and Mr. Kimball, the money which Governor Bullock had advanced on behalf of the State was not accounted for?

Answer. I cannot say but there might be some ground for suspicion; for as treasurer of the State I never saw any statement or account of the bonds, or the amount paid for them; they should have gone through the treasurer's hands and a registry should have been kept of their being paid out. I never paid out any of those bonds.

Question. You have no evidence that in the settlement for the price of that building the advance made by Governor Bullock was not accounted for?

Answer. No, sir.

Question. Then the wrong committed by Governor Bullock, if he committed any with reference to that matter, was in applying the money of the State to a purpose for which the bonds were not created?

Answer. No; here was the wrong: there was a trick, and I have no doubt the money was put in for that purpose. In the first place, the State of Georgia had nothing to do with putting the building in order for the general assembly; that was an enterprise of the city of Atlanta. When the city of Atlanta was putting it in preparation, Governor Bullock paid this money, although the general assembly had previously refused to

authorize him to do so. After he had paid out $35,000 of the $55,000, two legislative committees reported that his action was illegal, unauthorized by law; that he had acted in violation of law in doing it. Directly after the passage of that resolution, he went to New York and paid $20,000 more, when there was no contract whatever by the State to do so. You have asked me whether that money was not spent for purposes of the State. My answer is that it was spent for purposes which the State had nothing to do with at the time it was paid out.

Question. Eventually the State bought that building?

Answer. Yes, sir.

Question. And eventually the State recognized this advance of money that had been made as a proper one; that is, it inured to the benefit of the State in the purchase, though you say at the time Governor Bullock advanced the money he had no right to do so?

Answer. Yes, it appears that way; and it is unnecessary for me to go through all the manipulations with regard to those bonds. I am willing the transaction shall appear as fair as it can.

Question. Eventually the State had the benefit of that money which the Governor advanced?

Answer. I think that the money so advanced led to the State being swindled out of $100,000, and more too. That is, it forced the State to buy the building.

By Mr. COBURN:

Question. What did the building cost the State?

Answer. $380,000.

Question. Is it all paid for?

Answer. I suppose it is.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do you know what was the actual cost of constructing the building?

Answer. I do not, though I ought to, for I lost $1,000 by it; it was first gotten up as an opera-house. I do not suppose that building cost Mr. Kimball more than $200,000.

Question. You think, then, that the State paid too large a price for the building?

Answer. Yes, sir.

Question. That purchase was made under an act of the legislature?

Answer. Yes, sir.

Question. I wish to make some inquiries about the misapplication of the school fund. As I understand, certain portions of your State revenue were, by your constitution, required to be kept as a school fund for school purposes?

Answer. Yes, sir.

Question. Governor Bullock wanted to use those funds for some other purpose?

Answer. Yes, sir.

Question. And you, as treasurer, refused to part with them, thinking it was a misappropriation of the money?

Answer. Yes, sir.

Question. For what did the governor want to use those funds?

Answer. General expenses of the State—his general expenses.

Question. As treasurer, you refused to respond to his drafts upon that money for general State indebtedness?

Answer. Yes, sir.

Question. You held that by your constitution that money was sequestered to that particular purpose?

Answer. Yes, sir.

Question. The legislature passed an act authorizing the use of those funds for other purposes?

Answer. Yes, sir; it was to pay themselves, I recollect.

Question. After the legislature passed this act, the money was paid out?

Answer. Yes, sir.

Question. And some bonds were placed in your hands as treasurer to replace the funds taken out?

Answer. Yes, sir; some bonds which were issued in 1868, to pay off the expenses of the general assembly. After they were issued Governor Bullock went on to New York; and the president of the Fourth National Bank, in writing to me, said that the bonds had not been sold, because from the governor's representations the Board of Trade considered that they were illegal.

Question. Those bonds have never been sold?

Answer. No, sir; they are now in the treasury.

Question. They were issued for the purpose of paying the expenses of the legislature?

Answer. Yes, sir, in 1868.

Question. And the legislature concluded to take the school fund to pay its own members, and to put in the place of the school fund those bonds that were issued for the purpose of paying the legislature?

Answer. Yes, sir; they put into the treasury, in place of the school fund, bonds which, from Governor Bullock's representations in New York, were considered illegal.

Question. The result was that the school fund got the State bonds, and the legislature got the school funds?

Answer. Yes, sir; and since then whatever comes into the treasury goes out as fast as it comes in. There is no division made.

Question. Do you claim that in that transaction of taking the school fund to pay the legislature, and putting these other bonds in place of the school fund, there was any corruption? I am not asking whether the proceeding was agreeable to law; but, in your opinion, did Governor Bullock privately pocket anything?

Answer. I do not suppose he did.

Question. You say that he paid a certain sum to a committee that went to the Kentucky legislature?

Answer. Yes, sir.

Question. There was a bill pending in the Kentucky legislature for a railroad from Cincinnati to meet your road?

Answer. To extend to Chattanooga.

Question. Was it supposed or claimed that the railroad would add greatly to the business revenues of your State road?

Answer. Yes, sir; it was presumed that it would, and I think it would do so largely.

Question. And Governor Bullock took the responsibility of sending some men up there to urge the passage of that bill?

Answer. Yes, sir.

Question. And you think that was contrary to law?

Answer. I think he paid them five times as much as he should have done. He paid them $2,700. I believe they took a clerk or a stenographer along to report their speeches. The payment was far in excess of any previous payment for similar purposes.

Question. You think they were paid more than they ought to have been?

Answer. There was no appropriation. The governor had no right to pay them anything.

Question. You do not suppose he pocketed anything in that transaction?

Answer. O, I guess not; it is rather too small a matter.

Question. You say that Governor Bullock paid too much for publishing the State constitution?

Answer. I think so, judging from what all the book-men have told me.

Question. Did the sum paid include the payment of somebody for preparing the book and the index?

Answer. I suppose it did. There was a bill passed authorizing a young man named Conly, who is the State librarian, to prepare the book.

Question. How many copies were published?

Answer. Ten thousand, for which $11,500 was paid.

Question. That included the payment of somebody for preparing the book for publication and making the index?

Answer. Yes, sir; but I was told that it could have been published without any payment for preparing it; and I have never heard the fair cost estimated at over $2,000.

Question. You think too much was paid for preparing and publishing that book?

Answer. Yes, sir.

Question. Do you think the governor pocketed anything in that transaction?

Answer. Well, I should hate to say what I think about that.

Question. You need not have any delicacy on my account.

Answer. Perhaps I am hardly in a condition to do Governor Bullock justice.

Question. You must make just so much or so little allowance for your prejudice as you deem necessary.

Answer. I should hate to swear that I did not think he had any interest in it.

Question. Who was the man who prepared this work for publication?

Answer. A particular friend of the governor.

Question. Who was he?

Answer. His name is Conly.

Question. Is he a lawyer?

Answer. He claims to be. He is the State librarian. I never heard of his having cases in court.

Question. Do you know how much of this sum was paid to him for his services, and how much was paid for the printing of the book?

Answer. I only know what printers say the fair expense of the work would be.

Question. Do you know how much the printers of this work were in fact paid?

Answer. No, sir, I do not.

Question. But you think the whole sum paid for the publication of the work is more than it ought to be?

Answer. I judge so.

Question. The governor, you say, has paid the interest on some railroad bonds. Those were bonds which the State guaranteed?

Answer. Yes, sir.

Question. The railroad company failed to pay the interest as it fell due?

Answer. Yes, sir; that is what I understand.

Question. And the State was bound by its obligation to pay it when the railroad company failed to pay it?

Answer. Yes, sir.

Question. How large an amount of those railroad bonds was outstanding?

Answer. That is one of the questions I asked Governor Bullock in the letter which I wrote to him some three weeks ago, and I received no answer.

Question. When were the bonds issued?

Answer. In 1869; they were never reported to me at all.

Question. Were those bonds issued by the railroad companies themselves?

Answer. Yes, sir; but they are indorsed by the State, and we ought to know the amount. The State made itself liable for so much per mile.

Question. Have you any reason to suppose that the State has guaranteed any more of the bonds than the law authorized?

Answer. As to that road, I have no reason to suppose any such thing.

Question. What amount of railroad bonds ought to be outstanding in compliance with the law?

Answer. For the Alabama and Chattanooga road?

Question. Yes, sir.

Answer That is what I do not know I say that that was one of the inquiries in the letter which I addressed to Governor Bullock before I left.

Question. Do you know whether just so many bonds as the law authorized have been issued?

Answer. I know nothing about it.

Question. What amount of bonds per mile was authorized to be issued?

Answer. I do not know that.

Question. The law states that?

Answer. I suppose so.

Question. As to the amount of those bonds authorized to be outstanding, it was the duty of the State to pay them if the railroad company failed?

Answer. Yes, sir. The law points out how they shall be paid.

Question. What you complain of is that the governor has not seized the railroad and its property?

Answer. I simply complain that he has not complied with the law.

Question. When was this interest paid?

Answer. The notice appeared in the Tribune three or four weeks ago; that was the first I knew of it. It was a notice that they would be paid at the office of Mr. Clews, the banker, in New York.

Question. That was a very recent transaction?

Answer. Something over a month ago.

Question. And the governor has not yet seized the railroad?

Answer. I have not heard of it.

Question. And that is your complaint against him growing out of that transaction?

Answer. The law says that out of the proceeds of the road after it has been seized the interest shall be paid on the bonds.

Question. But the guarantee of the State upon the bonds is to pay immediately upon the default of the company?

Answer. No, sir. The law is that if the interest is not paid by the road, the governor shall seize it and out of the proceeds of the road pay the interest.

Question. You think that apparently Governor Bullock has taken measures to pay the interest before selling the road?

Answer. I think he has violated the law in paying the interest in any other way than the law provides. I do not suppose he is cheating the State out of anything; I do not make that point at all; but simply that he has violated the law.

Question. Do those railroad bonds appear in the statement which you have presented?

Answer. I suppose they are included in the amount—five millions and something—which Governor Bullock reported to Clews & Co.

Question. Have you any idea about the amount of these railroad bonds—what they should be?

Answer. I suppose that the five millions embraced in that statement is no more than the law allows.

Question. Do you suppose that this amount, $5,923,000, is legitimate?

Answer. Yes, sir; that it has gone through the forms of law. I do not suppose, however, that every requirement has been complied with.

Question. And you put it in this statement as indebtedness of the State?

Answer. Yes, sir.

Question. You complain that Governor Bullock is paying this interest before he realizes it out of the sale of the property of the railroad?

Answer. I simply complain that he has not complied with the law.
Question. That is the point in which you say he has not complied with the law?
Answer. Yes, sir.

By Mr. COBURN:

Question. There is no complaint that half the roads has not been made, as the law provides?
Answer. The Chattanooga road was seized some time ago. It has been enjoined once or twice. Finally Stanton has got possession of it.

By the CHAIRMAN, (Mr. POLAND:)

Question. As to the payment of rewards, you say that your constitution or statute provides that nothing shall be paid as a reward where the reward has not been published before the arrest is made?
Answer. Yes, sir.
Question. And you say that in one instance the governor paid a reward where the arrest was made without any publication?
Answer. Yes, sir.
Question. Did not your legislature pass a special act authorizing that?
Answer. No, sir.
Question. Did you not say so in your testimony?
Answer. No, sir; I said the legislature passed a resolution (it did not say anything about those rewards) that I should pay all Governor Bullock's bills which I had refused to pay. It amounted to the same thing; it embraced those warrants.
Question. You understood that that act or resolution passed by the legislature required you to pay his warrant that was drawn to pay a reward which had not been published before the arrest?
Answer. Well, there was a question about that, and I went to see General Terry. Nobody appeared willing to take the responsibility about the matter. General Terry finally gave me his opinion that I and my securities would be protected if I should pay it. As I got the consent of the military, I paid it.
Question. As you construed the law, the act of the legislature justified you in paying it?
Answer. Yes, sir.
Question. Then there was no violation of law in that?
Answer. No, sir.
Question. It might have been improvident or improper, but it was not in violation of law?
Answer. Not at all.
Question. And in this case where the requisite legal authority did not exist, the legislature stepped in and passed a law, upon which you paid the money?
Answer. They passed a resolution that I should pay warrants for printing accounts, and all other warrants issued by the governor and countersigned by the comptroller, in accordance with law. The issue was, whether I was to pay all warrants that the comptroller countersigned. General Terry said that I was, and I have been paying them since. No matter what it is, I pay everything that comes.
Question. You mention only one instance where a reward was paid, as you thought, improperly?
Answer. There was another where the governor paid $1,000.
Question. There were those two instances?
Answer. Yes, sir.
Question. And your complaint of Governor Bullock, in this regard, is that there had been no publication of the reward as required by law?
Answer. The point is, that such a practice opens a field for collusion; parties may make an arrest and obtain a reward without giving anybody else the chance.
Question. We understand the reason for such a provision; but the question is, how extensive was the violation of it? Do you say that the governor has offered very many more rewards than have been usual heretofore?
Answer. Well, I do not know. Looking through the old reports of our comptroller, I have noticed that there have been a great many rewards offered; but the highest amount, I think, that has been paid was $100. In one instance the amount may have been $200.
Question. In what kind of cases has the governor generally offered these rewards?
Answer. All kinds of cases; some where the offense was violent usage; some assault with intent to murder, &c.
Question. Since Governor Bullock became governor, has there not been a great deal of complaint about offenses committed by bands of disguised men in your State?
Answer. Not so much in Georgia as in other States. There have been a few localities where there have been complaints.
Question. Have there not been complaints in many counties of the State?

Answer. I do not know that I could say that there have been in many out of the one hundred and thirty counties. There are Chatooga, Warren, Floyd, Hancock, Clarke, Columbia. I do not suppose there have been complaints directly from more than a dozen or fifteen counties. There may have been more; but my recollection is that throughout the counties generally there is not much complaint.

Question. It has been alleged, then, in the counties which you name that armed disguised bodies of men have gone out in the night and committed offenses?

Answer. Yes, sir.

Question. That they sometimes whipped or otherwise abused people, and sometimes took life?

Answer. I do not recollect any now, but there may have been cases, I will not say there were not, where people have been killed by disguised men. I know there have been a good many murders. Mr. Adkins was killed in the daytime, and not by disguised men.

Question. Have not these rewards in a large number of cases been for the apprehension and conviction of persons who were engaged in these alleged acts of violence committed by bodies of disguised men?

Answer. Yes, sir; I think his rewards read that way.

Question. Now, admitting it to be true that there were these combinations of disguised men going about in the night, and committing violence, would you not say that that furnished a very good reason for offering rewards?

Answer. Yes, sir.

Question. Do you not understand that this state of things furnished the occasion for the principal part of the rewards which he has offered?

Answer. Well, I presume the governor would not offer a reward unless there was some offense; but there is something very singular in connection with these rewards. I will give you an instance, so that you can see whether there has been in all cases a necessity for them. There was a man who had been in Atlanta for six months, going about the streets publicly, and nobody undertook to arrest him. He was charged with an offense that took place down below Macon. The governor offered $1,000 reward for his arrest. He was arrested, but was turned loose as soon as he was carried down to where the crime was alleged to have taken place. Something had taken place, but the offense actually committed was not sufficient to justify his being held; so that there was no prosecution. The man had been at large before the offering of the reward, and everybody knew exactly where he was.

Question. Did the governor know of that?

Answer. I cannot swear to that. I have my opinion about it. The trouble with a great portion of these large rewards is, that there is a suspicion (I cannot say that I know it to be well founded) that there is a "ring" formed. The amounts are so large, and so many men are quitting other business to act as detectives, that it is thought there is some peculation and fraud in the matter. I cannot say that there is.

Question. You have shared in this suspicion, have you not?

Answer. Yes, sir, I have; I think there is something wrong about the matter.

Question. In the case you have just mentioned, was the reward paid?

Answer. Yes, sir.

Question. Do you know that?

Answer. I paid it. You have probably heard recently of the Fish murder; it was no[illegible] done by Ku-Klux, and the parties have been arrested. One of Governor Bullock's ap[illegible] pointees was an accessory in the murder, if he did not actually shoot the man. Th[illegible] fee that used to be paid in cases of this kind—murder cases—where a lawyer w[illegible] called in as assistant counsel, to make a speech, or something of that kind, was from fif[illegible] to one hundred dollars; but in this case the governor has paid $3,000 to three dem[illegible] ocratic lawyers.

Question. For aiding the solicitor in that case?

Answer. Yes, sir; he paid $6,000 to one man as a detective in the case, making $9,0[illegible]

Question. The money paid to the lawyers was not as a reward, but for professio[illegible] services?

Answer. Yes, sir; but the reward of $6,000 has been paid since I left.

By Mr. BLAIR:

Question. Has the reward in that case been paid?

Answer. Yes, sir; $6,000 has been paid for services rendered in that case. So my [illegible] sends me word.

By the CHAIRMAN, (Mr. POLAND:)

Question. To whom has it been paid?

Answer. To a man named Murphy.

Question. As counsel?

Answer. No; simply as a detective.

Question. Was it paid as a reward?

Answer. I presume it is as a reward.

Question. Did the governor offer a reward?

Answer. I do not know that he did. My son simply sends me a dispatch that the governor had paid Murphy $6,000 for services in the Fish case. That is the way the dispatch reads. This fellow Murphy is no lawyer—simply a detective.

Question. He arrested somebody?

Answer. I suppose he assisted in arresting Fish.

Question. And Fish had murdered a man?

Answer. No, it was not Fish he arrested—it was somebody in Macon County.

Question. He arrested a man who had committed a murder?

Answer. Yes, sir; he did service in that way; I do not say it was for the arrest. Shortly before that the governor paid this same man $5,000 in a case from Hancock County, and the man arrested was turned loose a few days afterward.

Question. With all these rewards, has he succeeded in arresting and convicting anybody concerned in these outrages committed by armed disguised bands?

Answer. They report some cases where parties have been convicted and put in the penitentiary.

Question. Do you know of more than one case?

Answer. I do not know of any except from report.

Question. It is said there were three men tried up in Chatooga County.

Answer. Yes, sir; that was the case.

Question. Were they not convicted of robbery?

Answer. I think it was robbery and malicious mischief.

Question. Do you know of a single instance where anybody has been convicted or even arrested for going out with any of these armed bands and whipping, maltreating, or killing any one?

Answer. So far as I am concerned, I know nothing about armed bands except by rumor.

Question. I am not asking about their existence, but whether anybody has been arrested and convicted for any such act?

Answer. I cannot say whether there has or not except the case you mentioned. There may or may not; I do not recollect.

Question. Did you learn the particulars about that case?

Answer. No, sir; I hear so many cases, and there are so many contradictions afterward—rumor reporting first one way and then another—that it is impossible for a man to remember.

Question. You have given us the number of Governor Bullock's pardons; do you know whether he ever pardoned a man except where there was a petition for the pardon, signed by respectable people?

Answer. I do not know about that; I presume that there were petitions.

Question. And he acted upon representations that the men were deserving of pardon?

Answer. I presume he had such representations; but I know nothing about it.

Question. The ground upon which you express dissatisfaction with his conduct in this respect, is that there were so many of these pardons?

Answer. Yes, sir.

Question. Do you know whether there was a single one of them that was an improper pardon under the circumstances?

Answer. It is a little singular that there should have been forty-eight pardons in cases of direct charges of murder.

Question. You are arguing about the matter. I ask you whether you know a solitary case where the governor granted a pardon which was not properly granted?

Answer. In answer to that question, I will mention a case which Judge Warner reported to me just before I left home. He said that a young man by the name of Favers hired some negroes, and, in some talk or dispute with them in the field about the settlement, he shot one of them dead. Governor Bullock granted a pardon in that case. Judge Warner informed me that, according to the testimony, there was no resistance on the part of the negro at all; he merely got into a controversy with the man, and the man shot him dead.

Question. That was a white man?

Answer. It was a white man who shot a negro.

Question. The man pardoned was a white man?

Answer. Yes, sir; he was pardoned for killing a negro.

Question. You know nothing about the case?

Answer. No, sir. I did not intend to mention that case, but you asked me if I knew any case where a pardon was not properly granted, and I mentioned that. Mr. Hall, the uncle of this young man, told me subsequently that he was under such obligations to Governor Bullock that he had to do whatever the governor wanted him to do. Hall was chairman of the finance committee, and that remark was made when I was complaining of some action that had been taken; he explained it in that way.

Question. Then you put this and that together?

Answer. Yes, sir.

Question. When was this pardon?

Answer. I think it was nearly a year ago.

Question. What had this member of the finance committee done that you thought wrong?

Answer. There were a great many bills reported to which I objected; one in particular was this bill for raising revenue to pay off the members and other officers of the general assembly. The objection in that case was, that I could not pay anybody but members of the general assembly. The civil list, judges, solicitors, &c., were included, and I said I could not pay them.

Question. Why? Because there were no funds?

Answer. Because there was no law. I had the funds; but the law passed at the previous year, providing for the paying of the general assembly, said that all funds coming into the treasury should be reserved for that purpose; so that I could not touch a cent, no matter where it came from, except to pay the general assembly. A considerable row was kicked up about it. In conversation on the matter with Mr. Hall, the chairman of the finance committee, I said to him, "Here is your own bill." He looked at it, and said, "Bullock drew that himself, and we passed it just as he sent it in." He was making excuses for the payment of the Kimball bills, &c.

Question. When you upbraided him for his course as a member of the finance committee, he said he was under obligations to Governor Bullock?

Answer. Yes, sir.

Question. And that is all you know about any connection between that circumstance and the pardon of his nephew?

Answer. Yes, sir.

Question. You think that so many pardons would have a very bad effect?

Answer. I should think so; I know it is the impression.

Question. Did they have a bad effect?

Answer. Well, there have been more murders in Georgia than there ought to be. I presume it has had a bad effect; it very naturally would.

Question. Do you know of any case where one of these persons pardoned has since committed an offense?

Answer. I do not. The offenses are generally committed away from Atlanta.

Question. You do not know of any such case?

Answer. No, sir.

Question. Your fear is that men would be more likely to commit crime on account of the facility of getting pardons?

Answer. Yes, sir.

Question. Not that these men who were set at liberty would commit crime again?

Answer. Well, my idea would be that a man who was depraved enough to commit a crime, and was then pardoned for it, would probably go and commit crime again.

Question. But you do not know any instance where any one of the men pardoned has since committed an offense?

Answer. I do not recollect any.

Question. You have not heard of any?

Answer. I may, and I may not.

Question. You have no recollection of it?

Answer. No, sir.

Question. But you think that the tendency of granting pardons so readily is, that men are more likely to commit crime?

Answer. I think so. I think the idea that the governor granted pardons so readily would have a tendency to encourage people who are disposed to commit crime. It was reported that in a difficulty which took place in Warren County, where several negroes were involved, in giving their testimony they said they had assurance from Governor Bullock that if they committed such and such crimes they would be pardoned. That was reported in the papers.

Question. Did these men testify in court that Governor Bullock had promised to pardon them if they should commit particular offenses?

Answer. The statement was that they had the assurance from Governor Bullock that if they did such and such things, they would be pardoned. I will say honestly that I do not think they ever received such assurances; but I think the idea was that Governor Bullock was a great friend of the negro; that they could do what they pleased, and that they would be pardoned for their offenses, because he had already pardoned a great many.

Question. If I understood you correctly, you said in your testimony-in-chief that some negro had said, or it had been reported that a negro had said, that he had Governor Bullock's promise of pardon beforehand?

Answer. The testimony was published in the papers; and in that testimony there was embodied the testimony of some negroes that they had such an assurance from Governor Bullock.

Question. Can you state what that case was?

Answer. It was a case in Warren County, or one of the adjoining counties. I think it was Warren County. It was over a year ago.

Question. Can you state upon what trial this evidence was given?

Answer. No, sir; I cannot tell. It was a case in which there was a great deal of excitement, and a great many negroes were arrested; and one and another were giving their excuses for doing so and so.

Question. Do you mean that they swore it as witnesses in court?

Answer. That is my impression now.

Question. And you think they testified that they had a promise from Governor Bullock that if they committed offenses of a certain character they would be pardoned?

Answer. That is my recollection now—that that was the newspaper account of it.

Question. What was the character of those offenses for which it was stated they would be pardoned, if they committed them?

Answer. I cannot say what the offense was in that case. There was a great deal of excitement about it. A number of negroes were brought up, and an account of the affair was reported in the papers. I recollect reading in the papers that one negro said that they had that assurance from Governor Bullock.

Question. Do you believe Governor Bullock ever gave any such assurance as that?

Answer. I do not.

Question. Do you believe that he ever counseled or advised in any way the commission of any crime?

Answer. No, sir; however much you may think me prejudiced against him, I do not believe he would do that. He has been accused of it, though. It has been charged that he got up difficulties on purpose to make political capital; but I have my doubts about it. It must be a very depraved man who would directly get up a row or a fight involving the killing of people, for the sake of making political capital.

Question. I wish to put a few inquiries about these railroads. You say that formerly the State derived considerable revenue from the State road; that after it went into the hands of Mr. Blodgett as agent of the State——

Answer. He took charge of it as superintendent the first of last year.

Question. And paid to the State for January, 1870, $25,000, and for the month of February $20,000?

Answer. Yes, sir; and afterward during his administration paid nothing at all.

Question. Do you understand that during the residue of the time it was in his hands it earned nothing?

Answer. I suppose he knows.

Question. Do you know?

Answer. He asked for an appropriation of $500,000 to put the road in order, saying he had nothing to do it with.

Question. Do you know whether or not he claims that there were no earnings by the road after the time when he made his last return to the State?

Answer. I have not seen his report.

Question. Has he made a report to anybody?

Answer. No, sir; I think not.

Question. Has he been called on to make one?

Answer. I do not know; it is the governor's business to call on him.

Question. Has anything been done in the legislature about the matter; has the legislature called on him?

Answer. There has been no legislature in session since his term ended at the close of last year.

Question Finally, it was decided to lease this road?

Answer. Yes, sir.

Question. When was that lease made?

Answer. On the 27th of December last.

Question. And it was leased to a number of persons whom you named?

Answer. Yes; and some others whom I do not recollect.

Question. How long is that lease to run?

Answer. I think the term of the lease is twenty years or one month, whichever the lessees choose to have it.

Question. Its duration was made optional with them?

Answer. With them, not with the State. That is the way they interpret it, I think.

Question. They may surrender the road at any time within twenty years?

Answer. I do not know that that is the case; but that is the interpretation.

Question. Have you seen the lease?

Answer. I have seen it; but I do not think I have read it all.

Question. You are not able to state from the reading of the lease how it is on that point?

Answer. No, sir; I am not.

Question. Do you understand it to be the received opinion that that is the meaning of the lease?

Answer. I believe it is the general understanding.

Question. That it is a lease for twenty years, but leaving the lessees the option of surrendering the road whenever they choose?

Answer. That is the general understanding.

Question. What is the annual rent they are to pay?

Answer. Three hundred thousand dollars.

Question. Was that lease made in pursuance of an act of the legislature?

Answer. Yes, sir.

Question. Was there any controversy about it in the legislature?

Answer. There was some controversy. Some were in favor of selling the road, some of leasing it, some of holding on to it as it was. But finally, the bill passed to lease it.

Question. Did it pass by a nearly unanimous vote?

Answer. I do not think it did, but by a majority.

Question. Was the matter made a party question at all?

Answer. No, sir, not at all.

Question. There were men of both sides in favor of the lease, and men of both sides opposed to it?

Answer. Yes, sir.

Question. So that it was in no sense a party question?

Answer. Not at all.

Question. You have written or telegraphed to the governor of the State that you wanted information about those bonds?

Answer. Yes, sir.

Question. He sent word back to you in some form that if you desired information about that matter you might apply at his office?

Answer. No; I wrote to Henry Clews for information; and the governor telegraphed to Clews that if I wanted information I could get it from his office. I addressed a letter to him at his office, requesting the information, but I did not get it.

Question. Was this a letter to the governor?

Answer. Yes, sir. His office is in the same building that I occupy. I never got any answer to it. I put to him the same inquiries I had addressed to Henry Clews in relation to the amount of bonds. In the absence of that information I could not make a report.

Question. Who is Mr. Clews?

Answer. He is a banker in New York.

Question. The firm is Henry Clews & Co.?

Answer. Yes, sir.

Question. A respectable banking firm in New York City?

Answer. Very.

Question. Men of standing, doing an extensive business?

Answer. Yes, sir.

Question. They have been the financial agents of your State in New York?

Answer. So far as the bonds are concerned, that is what I understand; but I have had no business transactions whatever with them.

Question. You wrote to them to get information?

Answer. I wrote to them to ascertain the number of bonds placed in their hands, how many had been sold, how many hypothecated, together with the application of the funds, and how many bought up. It was necessary for me in my official capacity to have that information.

Question. Did they reply to you directing you to apply to the governor's office?

Answer. No, sir; Governor Bullock replied to them, that if I wished the information I could get it at his office. I applied at his office, and did not get it.

Question. Did you apply there personally?

Answer. I wrote a letter addressed to him requesting the information.

Question. You did not go to his office?

Answer. I never go to his office. My son goes there; but I do not.

Question. You wrote a letter to him asking information which he did not give to you?

Answer. He did not give it. I wrote another letter about two weeks ago in relation to these Alabama and Chattanooga Railroad bonds and some others; but I did not get any answer to that.

Question. There is dissatisfaction, I suppose, in reference to these matters, not only with yourself but many other people?

Answer. Great dissatisfaction—very great.

Question. A great many other people think that Governor Bullock has not administered the government fairly and honestly, but has misappropriated the public money

Answer. Yes, sir; that is the general impression, and that is the reason the last election went as it did; because his course had made the party so odious there.

Question. A great many of his own party had become dissatisfied with him?

Answer. Yes, sir.

Question. And therefore voted against the party?

Answer. Yes, sir; they thought he was at the head of it

Question. Has this dissatisfaction been made the occasion of riot, or disturbance, or violence?

Answer. No, sir.

Question. Nobody has supposed that the remedy for Governor Bullock's wrong-doing consisted in committing violence or outrage?

Answer. Do you mean violence on his part or violence on the part of the people?

Question. Violence on the part of anybody.

Answer. In resentment for his action?

Question. Yes, sir.

Answer. Well, there has been a very bitter feeling. I have received a great many letters—some of them anonymous letters. But there has been no violence offered to Governor Bullock. He goes where he pleases, and is treated kindly.

Question. Has there been any violence offered to anybody in consequence of Governor Bullock's conduct?

Answer. I do not know that there has.

Question. You never heard of such a thing?

Answer. I do not know that there has been.

Question. You never heard it suggested that that thing could be remedied or made any better by a resort to violence?

Answer. I have heard it remarked that it was a great wonder there was not violence committed—a great wonder that the people endured patiently what they did endure.

Question. You mean it is a matter of surprise that people have not taken him in hand and in some way done violence to him?

Answer. That is the point.

Question. Nobody has ever suggested that any proper remedy was to go out and whip negroes?

Answer. Not at all.

Question. You never heard that suggested by anybody?

Answer. No, sir. I don't know but that his conduct might lead indirectly to that. In view of the contempt with which the people have looked upon his administration, and the fact that they cannot get any redress for all this plundering which has been carried on, I cannot say but that some evil-designed people might commit wrong—might, Indian-like, take revenge hap-hazard.

Question. Did you ever hear of such a thing?

Answer. I do not know.

Question. You never heard anybody pretend such a thing?

Answer. Yes, I have heard it pretended that probably that might be one cause of the outrages there were.

Question. But have you heard of any case where that was put forward as a reason?

Answer. No, sir; I do not know that I have.

Question. If any armed bands have gone around at night anywhere, taken people out and whipped them, or committed other outrages upon them, do you believe it had anything to do with Governor Bullock's maladministration of your public affairs?

Answer. I would not say that I think it had not.

Question. Do you say that you think it has?

Answer. I would not swear either way.

Question. If you do believe so silly a thing as that, I want to have you swear to it?

Answer. I would have to think a while whether I would say that I think it or not.

Question. If you believe that any body of disguised men in your State have been taking people out at night and whipping them, or otherwise maltreating them, on account of Governor Bullock's maladministration, I want to know it?

Answer. I have heard it alleged as a reason, but whether I believe it is another question.

Question. Is not that mere speculation?

Answer. Yes, sir; it is entirely.

Question. Do you believe any such thing?

Answer. The feeling is so intense that I cannot say in what way there might be an outlet to it.

Question. This intensity of feeling is against the men who have done the mischief, is it not?

Answer. Yes, sir; that is where it ought to be directed of course, and it is very cowardly to apply it anywhere else.

Question. The people of your State have sense enough not to punish honest people for what dishonest people do?

Answer. There are some men of pretty strong prejudices there.

Question. Provided it is true that any of these armed disguised bands have gone about and committed violence in the night time, do you believe that there is any sort of connection between those things and Governor Bullock's maladministration of the public funds of your State?

Answer. Well, if I should state just what I think about it, I should say that not only

the management of the public funds but other things may possibly have some influence that way. I will not say positively that I think such is the case; but it might possibly have some effect.

Question. Will you swear that in your belief it has? [Witness hesitates.] Was it ever pretended by anybody who did any of these things that it was on any such ground?

Answer. No, sir; I never heard any such pretension at all; I would not want to swear positively that I believed the governor's maladministration had led people to go out and whip negroes. My impression is that the reason negroes have been whipped, if they have been whipped at all, has been frequently that the negroes have not been rightly trained morally. It is not their fault that they have the propensities they have; but they are very much addicted to stealing. I think they have been whipped a good deal for stealing, and sometimes for living with white women, or for living with girls without being married, and frequently for keeping a mulatto girl that some white man wanted. All these things, I think, have operated more than any direct influence from Governor Bullock's maladministration. But the opposition to the negro probably originates more from giving him such enlarged political privileges as he now has, and from seeing him voting and holding office at the same time that an educated and intelligent white man, his former master, cannot do either. The negro is a legislator, and I think that has created a bitter feeling. I do not think the principal men of the community give their aid at all to these outrages. I think it is the low characters who have done it, thinking that the better class will not interfere with them. That is my impression.

Question. You think that giving political power to the negroes has really been the root of the difficulty?

Answer. That, in connection with so many of the white people being disfranchised.

Question. Substantially your answer is that these outrages grow out of the objection of the people to negro suffrage?

Answer. Their objection to negro suffrage, and the fact that many of them are not entitled to the same privileges as the negro. If political privileges were extended to all alike—if all had a fair and equal chance—I do not think the feeling would be nearly so bitter.

Question. Do you think that is really at the root of the feeling which occasions the acts against the colored people?

Answer. I think it has a connection with it. There is a great deal of pilfering and malicious conduct on the part of the negroes.

By Mr. BLAIR:

Question. Has not the pardoning of persons after their conviction something to do with it?

Answer. As I said before, I have no doubt that encourages them.

By the CHAIRMAN, (Mr. POLAND:)

Question. But do you believe that this excessive use of the pardoning power has furnished any reason for acts of violence committed by white men upon colored men?

Answer. You see it does not make any difference to Governor Bullock what may be the politics of men convicted; he pardons a democrat as quickly as anybody else.

Question. Then this pardoning by him has not had a political turn at all?

Answer. No, sir.

By Mr. COBURN:

Question. Has he ever pardoned a Ku-Klux?

Answer. I do not know; I cannot tell; I never saw a Ku-Klux.

Question. Has he ever pardoned a man who has been alleged to be a Ku-Klux?

Answer. I do not know anything about that.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do you believe that in all the cases where these bands of disguised men have gone out and committed acts of violence, it has been in consequence of some allegation of crime or misconduct on the part of the persons subjected to this violence?

Answer. I am inclined to think that in the majority of cases that is so—that there is some cause for it. In the first place there is an immense amount of stealing going on. While I was at Summerville six horses were stolen. A negro on the place adjoining to me took a horse and bridle right out of the stable.

Question. The great offense among the negroes when slaves was their pilfering?

Answer. Yes, sir; it seems to be to a great extent a propensity with the negro.

Question. And you think that pilfering continues to some extent now?

Answer. I know that I can hardly keep garden tools or chickens about my lot.

Question. Were you in favor of giving suffrage to the blacks?

Answer. Yes, sir; I was, under the circumstances. I was in favor of doing anything

in the world that the conqueror wanted us to do, so that we might get rid of the thing quickly, and become a friendly family. If there were evils I was in favor of correcting them afterward.

Question. I noticed that in the statement which you read in regard to the Ku-Klux there was an eloquent passage, the substance of which was that negro suffrage was a thing which many politicians favored because it enabled them thereby to get into office.

Answer. Yes, sir.

Question. You do not put yourself in that category?

Answer. No, sir; I never aspired to obtain their votes.

Question. I see that in that way you rather give negro suffrage a slur?

Answer. No, sir; I do not intend it.

Question. I think it bears that interpretation.

Answer. I do not think it does. It is rather a slur upon those who are looking to the negro for support, rather than a slur upon the negro.

Question. You intended it to have the meaning which you now state?

Answer. Yes, sir. I have my doubts, though, on the subject of negro suffrage. I was for accepting all the terms which the Government wanted to impose; but I very earnestly have my doubts about the propriety of giving them suffrage—whether it was a wise move or not. But I supported it at the time, and on this ground: that we were a conquered people and that it was useless for us to undertake to dictate terms to the conqueror; that we had better accept his terms at once, and become a harmonious, friendly family, postponing until afterward the discussion and correction of any evils which might exist.

Question. Have the negroes generally been very quiet, peaceable, and well behaved?

Answer. Yes, sir, in everything except this pilfering; and I do not suppose they consider that as actual trespassing. They have been accustomed to think "what is my master's is mine." So far as any violence is concerned, they are pretty peaceable and are entitled to very great credit for their conduct.

Question. Do you believe it was necessary to have these armed organizations of men about the State for the purpose of keeping the negroes quiet?

Answer. No, not to keep the negroes quiet; I do not believe it was.

Question. Do you believe there is any fair-minded man in your State who ever did believe that these armed organizations of disguised men were necessary for the purpose of keeping the negroes quiet?

Answer. Well, I do not live where there are many colored people. Where the negroes are as three to one of the white people, I do not know but it might have been thought necessary to awe them.

Question. If it was necessary anywhere it would be necessary in the districts where the negro population is most numerous?

Answer. Yes, sir.

Question. Are the counties in which the disorders have existed large negro districts?

Answer. Warren County is a large negro district; but in Chattooga and Floyd there are few negroes.

Question. In most of the counties that you have named the whites generally predominate over the negroes?

Answer. Yes, sir.

Question. And in those counties it would be utter folly for the negroes to attempt any rising or outbreak?

Answer. Yes, sir, I think so.

By Mr. BLAIR:

Question. Judge Poland asked you whether the expenses of all our State governments have not increased largely over what they were in 1860 or before the war. Would not such an increase naturally be upon all the different expenses of the government?

Answer. Certainly.

Question. It would not be confined to contingent funds, &c.?

Answer. No, sir.

Question. In your exposition, all the usual expenses of the government appear in detail, do they not?

Answer. Yes, sir, everything is there.

Question. This item of contingent expenses, which is so enormous, has increased much more largely than any other?

Answer. Yes, sir, forty times as much.

By Mr. COBURN:

Question. You say in your written statement that "lawlessness has exhibited itself in some sections of Georgia, as it does at times in every State, and probably always will." Is there no peculiarity about this Ku-Klux lawlessness? Do you mean to say it is the same character of lawlessness that is found in all other States?

Answer I presume it is different; I hear, however, of murders in Indiana—as many as we have had in Georgia; and bands go about to commit crime; I do not suppose they go as Ku-Klux, but I suppose they go as organized bands of men.

Question. Do you pretend to say that there is nothing peculiar in these Ku-Klux organizations?

Answer. No, sir, I do not say any such thing. In my State I admit that these outrages are reported to exist, and that there is a terrible state of society, if we are to believe those reports.

Question. In your statement, speaking of the existence of lawlessness, you say, "as it does at times in every State, and probably always will." The question is whether you will stand by your statement and say there is nothing peculiar in the crimes committed in Georgia by the Ku-Klux?

Answer. The point with me is that I never saw any Ku-Klux nor anybody who has been injured by them.

Question. But you have heard about them?

Answer. I have heard about them; and I suppose that so far as they are disguised men they are not like ordinary companies of men for the commission of crime. But murders, robberies, rapes, &c., exist in every State.

Question. Do you mean to say that these crimes committed in Georgia are just like ordinary crimes— murders, robberies, rapes, &c.?

Answer. I say that probably a great portion of them are; but so far as the Ku-Klux organization goes out in disguised bands, they are different. Most of the murders, however, that have been committed in Georgia have not been committed by Ku-Klux. I cannot remember anybody in Georgia who has been killed by a Ku-Klux Klan—by any of these bands that went out dressed in disguise.

Question. Have you not heard of very many crimes committed by these Ku-Klux?

Answer. Yes, sir; but I have not heard of the first murder. It is only whippings and——

Question. I am not asking particularly as to murders; I am inquiring as to any acts of violence.

Answer. Yes, sir; I have heard of them.

Question. Have you not heard of a large number?

Answer. Yes. Not a very large number by Ku-Klux. Georgia is not like some States in reference to which you have heard testimony. It is only in two or three localities of Georgia that this has taken place.

Question. You mean so far as you have heard?

Answer. Yes, sir.

Question. You say you believe these outrages have had a political character in some sections. What party do you believe organizes these bands, or to what party do they belong?

Answer. I think they belong mostly to the democrats. I think the negroes are engaged in the thing sometimes. I think the fact of the existence of the organization is made use of for the commission of violence and outrage in some cases, because the parties can lay it on the democrats. The negroes and radicals are mixed up with it in some cases. I infer so from report. I do not know anything about it but what I read in the newspapers.

Question. You say in your statement that, in your opinion, "the rights of the negro are safer in the hands of upright, intelligent white jurors than negro jurors?"

Answer. Yes, sir.

Question. And then you say, "There is with some a strong prejudice, and even hatred, against the negro, mostly from political rights conferred on him." Now, do you think it right or politic that the negro should not have any right to serve as a juror?

Answer. I think that when the negro is intelligent—and the constitution of Georgia requires jurors to be upright and intelligent—he has as good a right to serve on a jury as anybody else, whether white or black.

Question. You would not confine it, then, to color?

Answer. No sir. I think the negroes are better satisfied now with white juries there than they would be with colored. I have no doubt of it.

Question. Do you think the passage of the law of Congress for the suppression of Ku-Klux outrages is a source of irritation in Georgia?

Answer. I think it is in some localities. I think that anything that reflects upon the people generally, implying that they are not disposed to comply with the law, is distasteful to the high-minded men who do not engage in or countenance these outrages. I think anything of that kind has a tendency to sour the minds of the people.

Question. Does that irritate them any more than a law against any other crime? Have the people there any interest in the commission of this particular class of crimes?

Answer. The idea of the people is this: They have their courts and their judiciary system; they have the moral teachings of the pulpit; everything is having its due course and going along quietly, as we think; and the impression is general that in this interference by Congress the southern people are treated as if they were not capa-

ble of self-government—as if they were still traitors, when really there is no feeling of opposition to the Government.

Question. Do they not understand that this law is general, and applies to the whole United States?

Answer. Yes, I suppose it is general in its terms, but it is intended to be applicable to only certain communities.

Question. It is applicable everywhere, unless in some localities there are peculiar crimes. I have understood you as saying that there are no peculiar crimes in Georgia.

Answer. I think the people feel that their judiciary, their pulpits, their schools, their moral teachings generally, the interest they have in the peace and quiet of society, should exempt them from any special legislation of that kind. If any people ever felt conquered, they do. Talk about fighting! There is no disposition among them to fight.

Question. If those crimes are not punished by the State courts, do the people object to their being punished by the General Government?

Answer. If they could furnish no remedy for them themselves, they would not object; but there is no judge in Georgia who reports that he cannot enforce the law.

Question. Do you not understand that this law applies only to cases where the local courts are not efficient for the punishment of these crimes?

Answer. I was about to say that, of all the judges appointed by Governor Bullock, I do not recollect one who does not report that the civil law is carried out without difficulty. Judge Johnson, who was provisional governor under Andrew Johnson, and who was appointed a judge by Governor Bullock, (and whom I would be glad to have this committee summon,) told me that there was no trouble in the world in negroes obtaining justice before the courts; that white men in his court had condemned white men where the charge was made by negroes.

Question. Is it your judgment, or is it the sentiment of the people, that it would be better for the Government to overlook these Ku-Klux crimes and outrages for the present—to pass them by, making no arrests and administering no punishment; or is it best for the General Government to go on and punish them?

Answer. I believe the State courts would take hold of them and punish them all. They all report that they are competent to do so.

Question. Certain witnesses have testified that it would not be good policy to prosecute these offenses; that it will only make the disturbances worse.

Answer. I do not believe that.

Question. You think the General Government should go on and prosecute these offenses?

Answer. I think if there is a state of lawlessness and rebellion that the local courts cannot control, and the Government is informed of it, it is its duty, under any circumstances, to interfere for the restoration of peace and quiet; but all our judges and grand juries report that the local courts are ample to deal with any disorders that may exist.

Question. If that is the case, who is going to be hurt by the act of Congress?

Answer. You only aggravate the people by such legislation; you say to them, in effect, "Your moral status is not such as qualifies you for self-government, and therefore we will make a bayonet government for you."

Question. Has any particular county or locality been named in the law? Has any particular community a right to complain as being the special object of that legislation?

Answer. I do not say whether anybody has a right to complain or not. I think that such legislation has a tendency to aggravate the people. The local courts are ample. I have been in favor of reconstruction in every form in which it has been presented; I have been in favor of restoring peace and quiet as soon as possible; and I believe, honestly and sincerely, that the southern people would quickly settle this affair, if every one were relieved of disabilities and allowed to act freely as an American citizen. That is my honest, firm conviction. It is my impression that we shall have peace much more quickly by conciliation than in any other way.

WASHINGTON, D. C., *July* 14, 1871.

EDWARD C. ANDERSON sworn and examined.

The CHAIRMAN, (Mr. POLAND.) As this witness has been called by the minority of the committee, he will be first examined by some member of the minority.

By Mr. BECK:

Question. State where you reside and what positions you have held in your locality for the last four years.

Answer. I reside in the city of Savannah, in the State of Georgia, and was mayor of that city from 1865 to 1869—four years.

Question. State what is the condition of your portion of the State of Georgia as to the maintenance of law and order; the protection of life and property through the ordinary tribunals; and what disturbances, if any, have prevented the execution of the laws.

Answer. We have always regarded our portion of the State of George as law-abiding. The laws are fully enforced. The courts are ample for the maintenance of the law. There have been one or two disturbances there, not of a very material character however. One of them occurred during the presidential election at one precinct in our city. It was occasioned by the blocking of the polls by negroes. They took possession of the polls about 4 o'clock in the morning, and at 7 o'clock, when the polls were opened, the operatives of one of the railroads came up for the purpose of voting. They came in a body, in order that they might deposit their ballots and return to their work. On arriving at the polls they found, as I have stated, the polls blocked by the negroes. An officer of police was called upon to open the polls, in order that those men might deposit their ballots, and a force of about eight men, under a lieutenant, was sent for that purpose. As they approached the precinct they were fired upon by the negroes who held the precinct. A police officer was killed and two other officers wounded. The firing was then returned, not however until the first man had been killed. Another case occurred where a negro, by the name of Aaron Hurt, who voted the democratic ticket, was taken by men of his own color, carried back of the jail, which is on the outskirts of the city, and there tarred and feathered. A third case was that of a man named Aaron A. Bradley, a notorious disturber of the public peace. There was a rivalry existing between two factions of the republican party there; I speak of the negroes. One of these factions was headed by an extremely intelligent colored man. Bradley, in returning one night from a political meeting, was seized by the partisans of the other faction; a bag, I think, was drawn over his head. He was put in an ambulance (they intended carrying him, it is said, to the rear of the city and there doing him violence) when the city police came forward and arrested him. They attempted to drive over the officer who was stopping the outrage, but he was a man of a good deal of courage; he maintained his position and sprang his rattle; policemen from the neighboring ward came and rescued Bradley from the hands of these people. In other respects, Savannah and the district in which I live, the southern portion of Georgia, has been very orderly.

Question. Do you speak of the congressional district?

Answer. I embrace in the statement the congressional district, containing, I think, twenty-nine counties.

Question. The precinct where that riot occurred was in the city of Savannah?

Answer. Yes, sir; in the city of Savannah, at the court-house. There have been isolated cases of disorder, but there have been no instances of organized violence; and you could hardly condemn the conduct of our community from isolated cases any more than you could condemn the morals of Boston from the records of its police court.

Question. Have there been any bands of disguised men, or Ku-Klux, so called, in any portion of the congressional district in which Savannah is situated?

Answer. I have never heard of any such organization, and, as mayor of the city, I was in full intercourse with the leading men of that district, and, in fact, of the surrounding counties outside of the district. It has never been intimated to me that there existed any such organization, and I do not think it could possibly have existed without my knowledge of the fact.

Question. How many counties are there in the district?

Answer. Twenty-nine, I think.

Question. You think Southern Georgia is free from anything of that sort?

Answer. Entirely so.

Question. You not only do not know of any such organization, but you have never heard of anything of the kind?

Answer. I have heard of the instances I have named, and isolated instances here and there, springing up on the spur of the moment, but no organized disturbances of any kind.

Question. No men in disguise?

Answer. No men in disguise at all, excepting in the case of Bradley. It was reported to me that those men were disguised, but they were known and were afterward arraigned.

Question. There was no politics in that affair? The parties on both sides were republicans?

Answer. They were republicans on both sides.

Question. As mayor of the city, having knowledge of its general condition as to lawlessness or the contrary, how would you say the city of Savannah compares with other cities of the country as to the maintenance of law and order, the protection of life and property?

Answer. We are regarded as one of the most law-abiding cities in the country. We have a most admirable police organization there. We have, especially during the winter months, a large element of "roughs," who come out there; but they very soon find that the police rules are too stringent for them.

Question. How is your city prospering?

Answer. Our city is advancing rapidly. At the close of the war our population was about twenty-two thousand. It is now about thirty thousand. Our commercial progress has been wonderful. The advance in real estate has been over 2,000 per cent. Our exports before the war did not exceed, I think, about twenty to twenty-two million dollars. Last year our exports amounted to $58,000,000; and this year they will be $70,000,000. We have already sent out from Savannah 700,000 bales of cotton.

Question. How are northern men, coming to your State and settling among you, received and treated?

Answer. We receive northern men with the utmost kindness, and are anxious that they shall come among us.

Question. Are many coming?

Answer. Quite a number are coming and locating among our people to do business; they are opening commercial establishments, and are bringing a good deal of capital there. Mr. Kelley, a very wealthy man from the North, has invested, I suppose, nearly half a million of dollars there, and other northern men are buying property and building up the city.

Question. You have no discordant elements growing out of the birth or former residence of men?

Answer. None whatever. And so far as the negro population are concerned, we have a very law-abiding, orderly set of negroes. The only disorganizing element we have consists of those who are called the "refugee negroes," who swarm in from South Carolina and Florida. They are received with distrust by the resident negroes, as they come in between them and their labor; in other words, they underwork them.

Question. As stevedores, &c.?

Answer. Stevedores and 'longshoremen.

Question. You manage even them tolerably well?

Answer. Well, sir, we have a police who will manage anybody. Our police force is in thorough order and discipline, and very vigilant. The men are all well paid.

Question. I observe in the papers that your city pays a very large proportion of the tax of the State of Georgia?

Answer. Yes, sir. The city of Savannah, with the county of Chatham, pays about one-fifth of the entire taxation of the State.

Question. You then have no hesitation in giving it as your opinion that all you need is to be let alone to manage your own affairs?

Answer. If we are let alone, we expect to become one of the largest cities on the southern coast. Our progress has been very wonderful. We have been under democratic rule ever since the close of the war. We have never been interfered with to any great extent, and our city has been very orderly.

Question. What do you mean when you speak of being "under democratic rule?"

Answer. I mean to say the administration of the city has been in the hands of a democratic mayor and board of aldermen.

Question. You, of course, have a good many men under disabilities in your community?

Answer. Quite a number; myself among them.

Question. What do you think would be the effect upon your people of a general removal of disabilities by the Government of the United States?

Answer. I think it would tend more to bury past grievances and heal variances and differences than anything that could be done. There is a sore feeling growing out of the fact that some of the very best men we have there are under disabilities.

Question. Some have been relieved who you think had not as much claim as some who still remain under disabilities?

Answer. Yes, sir; some have been relieved who in our judgment were not as well entitled to be relieved as others who are not relieved.

Question. How does your present taxation compare with the taxation four or five years ago?

Answer. The taxation before the war in the State of Georgia was about 6 cents on every $100; at the present time it is 40 cents on $100.

By Mr. BLAIR:

Question. Is that the State taxation?

Answer. That is the State taxation.

Question. Does it include the county taxation?

Answer. Well, sir, we have another tax—a county tax for local purposes. That is another matter, it is very small; it was levied formerly by the justices of the inferior courts; it is now levied by the ordinary at the instance of the grand jury. One tax is, for instance, for education.

Question. We have been inquiring generally about the disposition of your people toward the Government—their loyalty. Give us your idea about the feeling of the people of Savannah toward the Government and the present administration?

Answer. You use the term "loyalty." That word, according to my comprehension, means devotion to the maintenance of law. In that respect our people are a law-abiding people. As to the sentiment of the people toward the Government of the United States, we are not hostile to the Government, but we have no earthly regard for the administration of that Government as illustrated in the persons of those who are its officeholders among us. As a rule, they are men who at their own homes can hardly be entitled to much consideration. They seem in many instances to be the refuse of creation. Coming down there, they are unconciliatory in demeanor, arrogant, exacting, and, as a general rule, ignorant. Of course there are exceptional cases; I am speaking of the men as a class. I think that if the Government were a little more cautious in the selection of its agents, and would send among us gentlemen who could mingle with the people and treat them with ordinary courtesy, there would be a very much kinder feeling toward the Government than there is now.

Question. Is there any difficulty in administering the laws in your courts?

Answer. None in the world. We have an ample system of courts. We have the superior court, the city court, the mayor's court, and they are in session very constantly. They are quite ample for the wants of the community.

Question. Can justice be administered there, regardless of race, color, previous condition, or politics?

Answer. Beyond peradventure.

Question. You think that any man, of any politics, can express his political sentiments there without being injured?

Answer. Anywhere. Our juries are composed of men from both North and South. We have a large northern element there, and the men who come and settle among us are very highly respected.

By the CHAIRMAN, (Mr. POLAND:)

Question. You have spoken in your testimony almost exclusively of Savannah and your immediate section?

Answer. Yes, sir.

Question. Are you familiar with the condition of things in other portions of the State?

Answer. From personal intercourse I am not. I have been in upper Georgia, but only upon brief visits. I have never resided there.

Question. Has your section of the State the largest proportion of the colored people?

Answer. O, yes. Upper Georgia is sparsely peopled with negroes.

Question. Your part of the State has a very large proportion of colored people?

Answer. It has. We are in the agricultural region—the sea island and rice region.

Question. Do you happen to know the relative proportion of white and colored people in your congressional district?

Answer. I should say the proportions were three-fifths white and two-fifths black.

Question. The whites preponderate?

Answer. Yes, sir.

Question. Have you a larger proportion of colored people in your congressional district than in any other part of the State?

Answer. I think that in some counties in the southwestern portion of Georgia the preponderance is upon the side of the blacks.

Question. You have said that in Savannah, and the region about Savannah, you have never heard of any organizations of disguised men? Have you heard of such things in other parts of the State?

Answer. As a State organization, never.

Question. I am not asking as to a State organization, but are there organizations in other parts of the State?

Answer. Not to my knowledge; I know of no organization in the State of Georgia.

Question. Have you heard of such things as bands of armed men going about in disguise?

Answer. Since my arrival in Washington I have heard gentlemen say that in certain counties of Georgia there had been seen men disguised; but that they were local altogether, not general in their organization.

Question. I am not asking as to the extent of the organization, but whether such things have appeared in some parts of the State?

Answer. Only to the extent I name.

Question. The organizations, so far as you know and believe, are local organizations?

Answer. Of my own knowledge I do not know of any.

Question. I understand you speak upon information entirely.

Answer. Simply from hearsay and conversation.

Question. You have heard of such things in some other portions of the State?

Answer. Only in one portion of the State.
Question. What portion is that?
Answer. In the vicinity of Rome. I think it was mentioned in conversation that there had been upon one occasion some men who had banded together, but not many.
Question. Did you learn what was done on that occasion by that band of men?
Answer. I heard of the release of a prisoner, who had been taken by the United States forces, without warrant of law.
Question. That is the instance to which you refer?
Answer. Yes, sir.
Question. And that is the only one you have heard of?
Answer. Yes, sir; that is the only one I remember.
Question. Do you mean to say that that is the only one you have heard of in the State?
Answer. That is the only one I can call to my mind at this time. [Witness pauses.] It is the only one, upon reflection, that I remember at all to have heard of.
Question. Did you hear that Alfred Richardson, a colored man who was a member of the legislature from Clarke County, was visited by one of these bands?
Answer. I did not.
Question. And you have heard of no instances in the State where these bands of men have gone and taken out colored men and whipped them?
Answer. I never have.

By Mr. POOL:

Question. Are you a native of the State of Georgia?
Answer. Yes, sir; I was born there, and my father before me.
Question. To what party do you belong?
Answer. The democratic party.
Question. Have you held any public position in the State?
Answer. Only what I have named—the office of mayor of the city of Savannah.
Question. Were you in the confederate army?
Answer. I was.
Question. What position did you hold there?
Answer. I held the position of colonel.
Question. You mention three cases of disturbance in Savannah; do you mean to say that those cases occurred during the four years you were mayor?
Answer. They did.
Question. Are they the only cases of disturbance of the public peace that occurred during that time?
Answer. Those are the only material cases where there were any disguises attempted in the execution of violence. There have been, as I said, other cases, but they were isolated cases growing out of the spur of the moment.
Question. I observed that in the three cases you named colored men were the prominent actors?
Answer. In each instance.
Question. There were certainly more than three cases of the commission of crime in your city during the four years you were mayor?
Answer. Many more.
Question. Why did you single out those three cases?
Answer. I singled them out because I was asked generally as to the cases of preconcerted violence.
Question. You think there were no cases of preconcerted violence except those three?
Answer. None to my knowledge.
Question. You said a negro was tarred and feathered for voting the democratic ticket?
Answer. I did.
Question. Why do you think it was for voting the democratic ticket?
Answer. It was so stated. He himself stated that he had been tarred and feathered for that reason.
Question. Was that on the day of election?
Answer. No, it occurred after the election.
Question. Why do you think that was preconcerted?
Answer. Well, it could not have been otherwise, because he was carried out by a band of men.
Question. Was there, during the period you speak of, no other case of crime in your city that was in that sense preconcerted? Is not almost every crime preconcerted?
Answer. Not necessarily.
Question. I know that when two men get into a private difficulty, and fight upon the corner of the street, that may not be preconcerted; but have there been no burglaries in your city?
Answer. Yes, sir; many.
Question. Were there any that were not preconcerted?

Answer. I was not in conference with the burglars, and cannot answer that question. I take it for granted that burglars make preparations in advance for committing a robbery.

Question. Were there any murders in your city during the period you speak of?

Answer. Yes, sir; there were two white men murdered on the road, and that likewise was done by negroes; that case had escaped my recollection. Those two men were German gardeners, who were assailed and shot on the road.

Question. That was a preconcerted case, in your judgment?

Answer. Yes sir; I think it was.

Question. Is that the only case of murder that occurred in Savannah during that time?

Answer. I do not remember any others. There may have been other murders there. I recollect now there was a murder of a young man who was out gunning. He was murdered by a negro, and the negro was arraigned, tried, and executed.

Question. Do you know of any crime committed by a white man in the city of Savannah during the four years you were mayor?

Answer. In what regard?

Question. You have given five instances of crimes committed by negroes. I ask, was there any instance of a crime committed by a white man during the four years you were mayor of Savannah?

Answer. Murder, or ordinary crimes?

Question. Murder or burglary—take those two?

Answer. O, yes, sir; there have been burglaries committed by white men.

Question. Have there been any murders committed by white men?

Answer. No, I think not.

Question. Has the crime of arson been committed in your city or its suburbs?

Answer. There have been burnings there; but there have been no convictions; for we never have been able to prove whether those burnings were premeditated or accidental.

Question. Did you say that your congressional district embraces twenty-nine counties?

Answer. I think it embraces twenty-nine counties.

Question. Does that include the city of Savannah?

Answer. Yes, sir; the county of Chatham, in which the city is situated, is one of the counties.

Question. What is the population of Savannah?

Answer. Thirty thousand.

Question. How many counties are there in the State of Georgia?

Answer. It is hard to say. The legislature has been changing them so constantly of late.

Question. Twenty-nine struck me as a very large number of counties for a congressional district, and I thought you might be mistaken.

Answer. No, sir, I think not; I think you will find that there are twenty-nine counties in the first congressional district.

Question. How many Representatives has Georgia in the House of Representatives of the United States?

Answer. Seven.

Question. Are not those counties very sparsely populated?

Answer. Some of them are very sparsely populated, and some of them are small.

Question. You said that real estate in the city of Savannah has advanced 2,000 per cent.

Answer. That is the estimate.

Question. Do you mean to say that it has advanced that much upon the valuation before the war?

Answer. Yes, sir; upon the valuation before the war and immediately after the war. The city has very largely increased in the extent of its buildings. Buildings are now extending all over the south common, which was formerly waste land. The city is being built up in every direction.

Question. You do not mean to say that any given piece of property is worth 2,000 per cent. more now than before the war?

Answer. I mean to say that property which before the war sold for two or three hundred dollars, sells now for three or four thousand dollars.

Question. That would not be 2,000 per cent.

Answer. I give you the average. The estimate is that on the average real estate has increased in value about 2,000 per cent. I mean, for instance, that any well-located lot is 2,000 per cent. more valuable now than it was before the war.

By Mr. BECK:

Question. When property doubles in value you call that an increase of 100 per cent.?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. You mean that property generally is worth now twenty times as much as it was.

Answer. Yes, sir.

By Mr. POOL:

Question. You said that Savannah pays one-fifth of the whole taxation of the State?

Answer. That is the estimate, as furnished to me by the receiver of tax returns.

Question. Does Savannah own property amounting to one-fifth the value of all the property of the State?

Answer. O, no, sir; I speak of the property of individuals. The city of Savannah itself does not own a great deal of real estate; a great deal of the real estate that belonged to the city has been sold; I am speaking of the taxable property in the city of Savannah. The taxes assessed upon that property amount to one-fifth of the entire taxation of Georgia.

By Mr. BLAIR:

Question. I suppose a part of that is tax upon business?

Answer. No; I mean the tax levied by the State of Georgia as a general tax.

Question. Upon personal property as well as real estate?

Answer. Yes, sir; on real estate and personal property.

By Mr. POOL:

Question. You do not have reference to the tax levied upon professions?

Answer. There is no State tax, so far as I know, levied upon professions.

Question. You say that the tax levied on real estate and personal property in the city of Savannah is one-fifth of the whole taxation of the State of Georgia?

Answer. Yes, sir.

Question. That would imply that one-fifth of the whole property of the State is in Savannah?

Answer. Yes, sir.

Question. It is a city of thirty thousand inhabitants?

Answer. Yes, sir.

Question. What is the next city in size in the State?

Answer. Atlanta.

Question. How many inhabitants has that?

Answer. The population of Atlanta is estimated at about twenty-two thousand.

Question. Did I understand you to say that you never heard it intimated until you got to this city that there was such a thing as a Ku-Klux organization in the State of Georgia?

Answer. I do not know that I said that I had never heard of there being a Ku-Klux organization in the State. I say that I never heard of any particular point where it was alleged to exist. In the northern papers I had seen Georgia charged with having Ku-Klux organizations; but I never knew where they were, and never heard of them in our own State.

Question. Then you never heard of any outrage committed by them until you arrived in this city?

Answer. No, I never did. I never heard before my arrival here of the instance I named to the chairman.

Question. You heard that since you arrived here?

Answer. Yes, sir.

Question. Are you in the habit of reading the newspapers?

Answer. Yes, sir, I am.

Question. Have you never seen anything in the papers of either party about the Ku-Klux in Georgia?

Answer. I have seen repeated notices in the northern papers of Ku-Klux in Georgia.

Question. I speak of State papers?

Answer. Well, it is a rare thing to see anything of the kind mentioned in the State papers that I read.

Question. Did you never hear of the killing of Judge Ashburn?

Answer. No, sir; I heard of the killing of a man named Adkins. Perhaps he is the man to whom you have reference?

Question. Was he a judge?

Answer. He was a member of the legislature.

Question. When did that case occur?

Answer. Two or three years since.

Question. Was that done by disguised men?

Answer. No, I think not. It was said to have been done by some parties with reference to his indecent approaches to a woman.

Question. You never heard of the rescue of this prisoner, and the taking of Judge Kirby from his house until since you have been here?

Answer. Not until I came here

Question. Are you acquainted with any persons in the county of Clarke?

Answer. Not to my knowledge.

Question. In the county of Jackson?

Answer. No, sir.

Question. Walton?

Answer. No, sir. It is proper for me to state that my acquaintance in the interior Georgia is limited to the leading men of those counties. I was away from Georgia great many years of my life. I was a naval officer, and was out of the United Sta for many years.

Question. You have been in the State since 1869?

Answer. Yes, sir. I resigned from the Navy about ten years before the breaking of the war and have been living in Georgia since that time.

Question. What was your position in the United States Navy?

Answer. I was a lieutenant.

Question. Have you heard it charged by public speakers of either party that th was an organization for the commission of crime?

Answer. No, sir, never.

Question. Have you attended any public meetings outside of your city?

Answer. Not many.

Question. Have you been much outside of your city?

Answer. Not in Georgia. I have been in Atlanta, and in southwestern Georgia, a in some of the counties beyond Atlanta, but only for a short time.

Question. Do you know of any secret political organization of any kind in the c of Savannah?

Answer. None whatever; there is no such thing; there could not be without knowledge of it; for as mayor of the city I was head of the police force. We h an admirable detective force there, and it would have been impossible for a sec organization of that kind to exist without my knowledge.

Question. Have you heard of any colored men being scourged in any of the twen nine counties composing your congressional district?

Answer. I have not.

Question. What is the politics of that district?

Answer. Democratic.

Question. Have you heard of any disturbances at public meetings?

Answer. No, sir.

Question. Have you, within the last eighteen months, been at Atlanta, the seat government of the State of Georgia?

Answer. I have not, within the last eighteen months.

Question. You have not been actively engaged in politics within the last eighte months?

Answer. No, sir; I have nothing to do with politics since my retirement from t mayoralty.

By Mr. BECK:

Question. How do your people regard the management of your State governme as to honesty or dishonesty, economy or extravagance?

Answer. We look upon the State government of Georgia as an iniquity to civili tion.

Question. Explain why.

Answer. On account of the general course pursued by the governor in his mana ment of the finances of the State, his wasteful expenditure of the public money, a his general administration as governor.

By the CHAIRMAN, (Mr. POLAND:)

Question. Has the alleged misconduct of the governor, his wasteful expenditure of t public money, &c., caused any disturbance of the public peace?

Answer. Well, sir, it is a great wonder that it has not done so. I think the peo have shown a great deal of fortitude under the administration of State affairs.

Question. I was asking whether, in fact, that administration has created any distu ance?

Answer. It has not, so far as I know.

Question. There is dissatisfaction with it?

Answer. Universal dissatisfaction all over Georgia.

Question. Do men on both sides disapprove of it?

Answer. I think that the republican party of Georgia hold Governor Bullock in much contempt as the democrats do.

WASHINGTON, D. C., *July* 18, 1871.

HENRY LEWIS BENNING sworn and examined.

The CHAIRMAN, (Mr. POLAND.) General Blair, as this witness has been summon at your request, you will please commence his examination.

By Mr. BLAIR:

Question. State where you reside.

Answer. In Columbus, Georgia.

Question. How long have you resided there?

Answer. Since May, 1835.

Question. What public positions have you held?

Answer. I have been a lawyer from that time until now.

Question. Have you been a judge?

Answer. Yes, sir; I have held the office of judge. I was solicitor of the circuit for part of two terms, a good many years ago. I was a judge of one of the courts of Georgia for six years—from 1853 to 1859.

Question. The object of this committee is to ascertain the present condition of affairs in your State among others, especially in regard to the security of life and property and the execution of the law. State what you know on that subject.

Answer. My practice is confined to my town; I do not go on the circuit, but I practice in the supreme court. My personal acquaintance in the State, therefore, is not extensive. So far as my town and county are concerned, I am pretty well acquainted. Our condition we look upon as good enough. The law is well administered; there are no extraordinary cases of violence of any sort, so far as I know, either in my district or anywhere in the neighborhood of it.

Question. Are there, according to information upon which you rely, any unlawful combinations of disguised men in your section of the State to violate the law and put it at defiance?

Answer. I think not. There are no secret associations of any sort, so far as I know, except what are called the Loyal League clubs, or Union clubs, which are composed of republicans—chiefly freedmen. I do not mean to say that they are illegal at all, but they are secret; they have their sessions at night.

Question. Have they been guilty of any violations of law, so far as you know?

Answer. I think not, sir.

Question. You know of no other secret combinations in that section of your State?

Answer. No, sir. So far as the Loyal Leagues are concerned, those who have no access to them have formed their opinions; and the general opinion is that they are for political purposes—to force the black vote to go unanimously one way. But we do not know.

Question. Have there been any manifestations of hostility by the negroes to any persons of their race who are disposed to vote the democratic ticket?

Answer. Well, sir, we had a homicide in our town in 1868, which, I suppose, may be considered as resulting from a feeling of that sort.

Question. Give us the particulars of that homicide.

Answer. In 1868 the democratic party, after the presidential nominations, I believe, determined to have a ratification meeting and torchlight procession, with wagons, banners, &c.; I was not living in Columbus at that time, but I heard of it. They had a pretty long procession, and, by some means, it was stopped; there was a pause in it for a short time, and while it was not going on, some shots were fired from the building occupied by the United States revenue collector, Mr. Jacques, and very soon it was discovered that a man was killed. The police were there, and the mayor himself, trying to keep order. It was a democratic procession. The body was carried away, and a coroner's inquest held as soon as they could get a jury. I attended the inquest; I felt a deep interest in learning the evidence. The testimony in the case was, that when this pause took place in the procession, there was a crowd at the office of the collector, and some firing took place from that crowd into the procession. Nobody knew who fired the shots; there was never any evidence to show that; the person who was hit ran back, fell, and died; he gave no account of himself. The testimony did not amount to more than that as to how the killing took place, or who did it, except that the firing took place from the collector's corner. There was a good deal of excitement consequent upon the affair, because the man killed was a freedman, a negro, and it was supposed that the democrats had killed him; but upon further investigation it was found that he was a democrat himself, and had been riding upon a democratic wagon—one of those in the procession that had the banners. As soon as that was ascertained, interest seemed to die away; the other side took no further steps in the matter. It was never ascertained who killed him; he was a democrat, and was killed.

Question. Killed by firing outside of the procession?

Answer. Yes, sir; by firing from the sidewalk upon the procession when it stopped, and from the corner occupied by the collector of the district. It was generally supposed it was done by the freedmen of the opposite party; they were assembled there. The grand jury could make nothing of it.

By Mr. BECK:

Question. In that connection, suppose you give us what was known or believed to be the history of the Ashburn killing, which occurred about the same time.

Answer. George Ashburn was killed a little while before. Our community was startled one morning by hearing that Ashburn had been killed.

By Mr. BLAIR:

Question. What position did he hold?

Answer. Ashburn before the war was a noted overseer; he was a man who had managed large plantations with a number of negroes upon them, and with the management chiefly in his own hands. He was reputed to be a very severe overseer—brutal. When the war came on, I do not know which side he took; in fact I never knew him personally. After the war was over he joined in with the freedmen, and made himself their especial friend—was ahead of almost every other white man in showing his devotion to their interests. He quit his wife and took up with a negro woman in Columbus, lived with her as his wife (so said reputation) and at a public house at that; I mean a house of prostitution. He incited the negroes in various ways, and imbittered their feelings against the whites; insisted that they were entitled, according to the phrase then used, to "forty acres of land and a mule," and that they should have it. I dare say that you have seen in the newspapers that they claimed that on their liberation. He did other things to satisfy the negroes that he was a great friend of theirs, and indeed to make himself their leader. He became very obnoxious to the white people, even those belonging to his own party. They had nothing to do with him. He lived by himself. One night he was killed. A party went to his house and killed him. Three or four shots were fired; one of them took effect in his head; he was shot in the forehead and killed. There were a good many young men of Columbus arrested for that, and there was an investigation before a military court at Atlanta. I forget who was the president of the court. A good many days were consumed in the investigation. Finally, however, the court was dissolved, I think, by an order of the President, on the admission of Georgia, or the acceptance of the constitution of Georgia. That court came to no conclusion; there was no decision made by the military court. The prisoners were discharged. So there has never been any determination of any sort as to who killed him. The opinion in Columbus is, I think, that the purpose of this party which went to the place where he was boarding was to warn him off—to tell him that he must leave there; but he seized his pistol and commenced firing at them, and they killed him. It is not generally thought that they went there for the purpose of killing him, but merely to warn him away from the place as a dangerous man—at least as a fomenter of strife. There were rewards offered for the parties who committed the murder. Nobody, however, was ever indicted. The little testimony that was taken before the military court showed that the parties were disguised men—some ten, twelve, or fifteen—I think about twelve.

By Mr. BECK:

Question. Did not a man who was a comrade of his disappear about the same time? Westfield, I believe, was his name.

Answer. Yes, sir; Westfield, or Moorefield. It is believed by a good many that Ashburn was killed by his own party, for the reason that he had taken possession of the colored vote; and that this man was the agent in doing it.

Those are the only two cases I know of, except one that happened earlier, when the place was occupied by United States troops. In 1865 or 1866 they had a colored company there; and one of the privates—or it may have been a sergeant—was very defiant and offensive in his manners on the street. He would walk straight forward and strike anybody that was in front of him; would shove ladies off the sidewalk. His conduct was noticed a good deal, and borne with for a good while. A young man, however, met him one day, and there was a collision; they struck against each other, and some struggling took place afterward. The young man pulled out his pistol and shot this soldier in the arm. A good deal of blood flowed from it. He went to his quarters where the company were, and aroused them. They shut the doors, opened some of the windows, and commenced firing indiscriminately upon everybody that appeared. People kept out of the way; but a gentleman named Major Warner, living up town, wanting to know what the cause of the firing was, walked down in the neighborhood of the barracks, on the opposite side of the street. When they saw him, they fired upon him and killed him; that is, they mortally wounded him; he died in a day or two. The wound of the private was not a mortal wound; he got over it very soon; and the man who wounded him ran to Texas and died of the yellow fever. There was no inquiry made as to who shot Major Warner. The mayor of the town urged again and again upon the officers to have an investigation, but none was had. Major Warner was an estimable citizen, and a quiet man. At the time he was shot he was merely walking down the street.

Those three are the only cases of homicide that I know of in our town or in the neighborhood which may be said to have any political bearing at all. At the present time we are living very harmoniously. The last of these homicides was in 1868, more than three years ago.

Question. Have you had no homicides in Columbus for the last three years?

Answer. No, sir; the last was the case of this man who was in the procession.

Question. How large a town is Columbus?

Answer. The city proper has about eight thousand population; the suburbs would make four or five thousand more.

Question. The town lies on the western side of Georgia, rather south of the center of the State?

Answer. Yes, sir.

Question. In speaking of your section of the State, so far as your information goes, what region of country would you speak of?

Answer. East of Columbus, and south of it.

Question. How far according to your information does this condition of quiet and order extend across the State?

Answer. More than half way across the State.

Question. And down to the southern line?

Answer. Yes, sir; and above, to a considerable distance. We are in the midst of what is called the "black belt."

Question. How many counties would you embrace in your statement, according to the information you have?

Answer. I should think thirty or forty counties.

Question. In that region of country you say there is no such thing as Ku-Klux organizations?

Answer. I think not. I think there are no secret organizations of either party. These Loyal Leagues I consider as rather going out.

Question. You say that in all that region of country of which Columbus is the center, embracing thirty or forty counties, the law is administered reasonably well?

Answer. O, yes.

Question. Judge Johnson is your judge?

Answer. Yes, sir.

Question. What kind of a judge is he?

Answer. He is a republican, but is an able lawyer and a good judge. We are favored in that respect in our circuit. A great many of them do not seem to be able lawyers.

Question. Do the grand juries administer the law faithfully?

Answer. O, yes.

Question. Can your people all vote as they please, regardless of their party proclivities?

Answer. O, yes, sir. Our district is a republican district. The member elected to the legislature from our district is Mr. Bigbee. He was judge of the circuit; he was elected by a majority of four or five hundred. One of the counties in our district is a very heavy negro county; it gives a majority of between two and three thousand votes. Owing to the vote of that county he was elected. The election was quiet everywhere.

Question. In that region of country, men are not taken out and whipped by disguised persons?

Answer. O, never.

Question. So that you will say for Western and Southern Georgia—the region round about Columbus—that law and order prevail, and people are safe in their property and lives?

Answer. I would say so with great confidence.

Question. Can citizens freely express their political opinions and vote as they choose?

Answer. O, yes, sir.

Our town has a pretty good school system. Our public school law was not carried into effect, for the reason that the legislature needed the school money for the purpose of paying their own expenses, and they took last year for that purpose about $200,000 of the school fund. But our town itself supplied to the negro schools their share of that money, and has been sustaining them.

Question. Out of the private resources of the town?

Answer. Yes, sir.

Question. After the State money had been misapplied or was exhausted?

Answer. Yes, sir; when it was exhausted they supplied the money. They have about three hundred pupils in the schools. There is a good school system. They have been befriended too by New England people. There is a school-house with the name of Governor Claflin of Massachusetts upon it; and I suppose the funds for the building came chiefly from him and his friends. It is a very fine school indeed. They have for teacher a graduate from Oberlin, Ohio, a black man, or perhaps a mulatto; I am not acquainted with him.

Question. Do your people, without regard to politics, take an interest in the education of those people?

Answer. I cannot say, without regard to politics; but those who take an interest in education at all take an interest in the education of the blacks as well as the whites. A great many, you know, are indifferent about education. This man, Mitchell, from

Oberlin, Ohio, had a conversation with one of our committee on the subject of general education a few days before I left; so this gentleman of the committee told me. Mitchell said he was very much pleased with the place; that it was a fine school and was doing very well, but he did not know whether they would allow him to keep it, because it seems the white people want the positions of teachers for themselves. The school-teachers from the North, or those that may be picked up there, want the places; and Mitchell said he would not be surprised if he should lose his place. The negroes have their pic-nics and their parties; and they use for their exhibitions the same halls that the white people do. There is no discrimination, so far as I know, between white and black.

Question. Do they have political gatherings?

Answer. O, yes, sir; whenever they please; they assemble in Temperance Hall just as the white folks do, and the police are there to keep order.

Question. Have you experienced any trouble from the abuse of the pardoning power by the governor?

Answer. Well, sir, so far as our circuit is concerned, I do not remember a single case in which I think the executive has pardoned improperly. I do not remember any case. He commuted the sentence in a homicide case—a capital case; but there was no politics in that. We have a great many cases against negroes in our town; they are chiefly burglaries and larcenies—small affairs. Criminals of that class fill our jails. When they are brought to trial, they are uniformly supplied with counsel by the court, and are tried just like white criminals; no difference is made.

Question. Are the counsel assigned by the court generally men of ability?

Answer. They are not the oldest counsel; the younger counsel are generally assigned; but they do justice to the cases, and the punishments are not heavy. The blacks are sworn as witnesses, and testify like white people.

By the CHAIRMAN, (Mr. POLAND:)

Question. When was this case in which you say a colored man, who turned out to be a democrat, was shot?

Answer. As well as I can remember, it was when we ratified the nomination of Seymour and Blair; I do not remember the month; it took place in 1868.

Question. You mean in the summer of 1868?

Answer. It was a ratification procession, as well as I remember—a torch-light procession.

Question. You say it was never discovered who killed that man?

Answer. No, sir.

Question. And the supposition was that, if he was killed for any political reason it was done by some republican, because he was a democrat?

Answer. Yes, sir.

Question. And that was all there was of it?

Answer. That is all.

Question. Nobody knows whether he was killed by a mere chance shot, or how it happened?

Answer. People only know that there was firing from Jacques's corner; they had collected there to see the procession go by; and the firing came from that corner, but from whose hand nobody knows.

Question. Whether it was a white man or a colored man nobody knows?

Answer. No, sir.

Question. Whether the shot was fired by a republican or a democrat, nobody knows?

Answer. No, sir.

Question. When do you say Ashburn was killed?

Answer. As well as I can remember, in the spring preceding the case I was just speaking of; it may have been in the early summer.

Question The spring or summer of 1868?

Answer. Yes, sir.

Question. Ashburn was a member of the legislature?

Answer. I believe he was; but I really forget.

Question. Where was he killed?

Answer. He was killed in Columbus, in the house in which he lived.

Question. Was not the legislature in session at that time?

Answer. I forget; but I rather think not.

Question. Was his residence in Columbus?

Answer. His wife lived in Macon, which is about the center of the State. He came over to Columbus, and, to speak freely, took up with this negro woman—lived with her as was generally understood, leaving his wife in Macon. He had not been a citizen of Columbus before the war or during the war.

Question. You say he was a plantation overseer before the war. Where did he live?

Answer. He had lived in Upson county a part of the time. He had lived in Southwestern Georgia, but in what counties I am not able to tell.

Question. You say he had the reputation of being a hard and severe overseer?

Answer. Yes, sir; brutal.

Question. Did you ever hear anything about that till after he was killed?

Answer. O, yes, sir; that was one of the things that exasperated the people against him.

Question. Was he elected to the legislature from Columbus?

Answer. I do not think so. I do not think he was a member of the legislature at all; but I forget as to that.

Question. Do you say it was an established fact that he was living in a state of adultery with a colored woman?

Answer. I cannot say it was an established fact; it was the universal belief

Question. Were you present at this examination before the military commission?

Answer. Yes, sir.

Question. Did you hear the evidence that was taken?

Answer. Yes, sir.

Question. All of it?

Answer. Yes, sir.

Question. Did you ever see a little volume which has been published, containing all the evidence that was taken?

Answer. I think I have.

Question. Do you remember that Ashburn took lodgings at some hotel in Columbus and was turned away; that they would not allow him to sit at the table with other people?

Answer. I do not know whether that is in the evidence or not; but I remember such a fact.

Question. Did not that appear in the testimony?

Answer. I cannot undertake to tell what was in that volume of testimony; but I think that that is the fact, that they would not let him stay at some hotel.

Question. Did it not appear that, in consequence of his being unable to remain at the hotel, he took a room in the house of a colored woman?

Answer. I do not know what appeared in the book.

Question. Did not that appear upon the trial? Was it not proved that that was the reason why he took a room in this colored woman's house—because they would not allow him to remain in the hotel?

Answer. I do not remember. It may have been sworn to in the evidence.

Question. You say it has been suggested by some people that he was killed by his own political friends?

Answer. Yes, sir.

Question. Did anything of that sort appear upon the trial?

Answer. Nothing that I remember now, except the disappearance of this man Moorefield, or Westfield, who had some quarrel with him.

Question. Ashburn was killed in the night, was he not?

Answer. Yes, sir; about 1 o'clock.

Question. Did it not appear that a large number of men, in disguise, went to the house where he was, called him out, and shot him?

Answer. No, sir. I think, according to the evidence, the number of the party might have been from ten to fifteen; but he was not called out. They broke into his room.

Question. Did they not call to him to come out, and upon his refusal to come out break the door open, and then go in and shoot him?

Answer. I do not remember as to that. They broke into his room. I do not remember about their calling him out.

Question. If they broke into his room, it can hardly be true that they killed him in self-defense.

Answer. Well, I do not mean to say that; nobody knows how he was killed. I only speak of what was the opinion in the place.

Question. Was he not shot all to pieces? Were not a great number of shots in him?

Answer. I think they did not fire more than three or four shots; one took effect in the forehead, and, I think, another in the thigh. There were some shot in the wall—one shot on the opposite side from where he probably was—which made people suppose that he had fired.

Question. Was it not a matter of the merest suspicion in the world that there were any improper relations between him and this colored woman?

Answer. No; I think not.

Question. Do you remember whether it appeared upon that trial that his life had been repeatedly been threatened by men who were politically opposed to him?

Answer. I do not think it did, but I do not remember.

By Mr. COBURN:

Question. You said that Ashburn fired some shots?

Answer. I said it was supposed he did.

Question. Did you not in the first part of your evidence make the statement squarely that he shot first?

Answer. O, no, sir; I did not; I do not know anything about that; nobody does. said it was supposed that he fired.

Question. What was the evidence that he did?

Answer. Well, there was a shot on the opposite side of the wall from where he fell.

Question. Was there any evidence to show that he was there when that shot wa fired?

Answer. There was evidence that he drew a pistol.

Question. Was any spectator of the scene sworn as a witness?

Answer. I think they found the pistol in his hand.

Question. Was there any evidence to show that he stood in that place and shot fron that point?

Answer. No, sir, none; only the shot in the wall.

By the CHAIRMAN, (Mr. POLAND:)

Question. Were there not two colored women there in the house, both of whom wer witnesses?

Answer. One colored woman and a white woman—a woman of the town, name Amanda Patterson.

Question. You say that your practice as a lawyer is confined entirely to your ow county?

Answer. Yes, sir, and the supreme court.

Question. You say that, in your vicinity, you have never heard of any of these dis guised bands of men going about?

Answer. Never.

Question. Have you heard anything of them in other parts of the State?

Answer. I cannot say that I have. Since this examination has been going on, I hav been reading the evidence, and it recalled to my mind a case in Upper Georgia, in th neighborhood of Rome, where a man was taken out of jail; but I do not remembe the facts sufficiently to say that I have an opinion about them one way or another.

Question. Have you not seen in any of the public newspapers, within the last yea or two, any accounts of these disguised bands going about whipping and occasionall killing people?

Answer. The only disguised people that I can remember now were those that kille Ashburn.

Question. Have you not seen in the newspapers any statements about such things?

Answer. I do not remember them. There was a senator killed in Warren County last year, I think, but it was not by disguised men.

Question. What was his name?

Answer. Adkins, I think.

Question. He was shot by somebody as he was traveling along the road?

Answer. Yes, sir, as he was going home.

Question. Nobody knew who shot him?

Answer. No, sir.

Question. Did you hear of Alfred Richardson, a colored member of the legislature from Clarke County, being attacked?

Answer. No, sir, I never heard of it. Clarke County is a distant part of the Stat from where I live.

Question. Have you taken any pains to keep watch of the newspapers in respect t these matters?

Answer. Not the least.

By Mr. POOL:

Question. You spoke of those colored troops in the barracks firing indiscriminatel into the crowd passing. How long did they continue that sort of outrage?

Answer. I suppose it was not continued very long. As I have told you, I did no live in the town; I live about two miles in the country.

Question. Do you suppose it was continued all day?

Answer. O, no, sir; I think the collision took place about 2 or 3 o'clock in th afternoon. This man ran up to the barracks and raised the negroes, and they ver soon cleared the street; nobody came along. This man who was killed lived some dis tance off. He did not know what the firing meant, and that was the reason he cam along.

Question. Did the colored soldiers fire into the crowd passing the barracks?

Answer. The report was that they fired at every white person they saw.

Question. Was anybody hurt by the firing?

Answer. Nobody but this one man, who was killed.

Question. Is it not rather strange that these men should have fired indiscriminatel at everybody passing, and yet hurt only one person?

Answer. There were very few passing. The people generally kept away from there

Question. Do you suppose they tried to hurt anybody?

Answer. I suppose so, from their shooting Warner.

Question. But he was the last who went by?

Answer. I do not know whether he was the last or not. I do not know when the firing terminated or when it began. I suppose it continued an hour, or something like that.

Question. Was anybody present besides Warner when he was shot?

Answer. I do not know whether there was or not; I suppose not, but I do not know.

Question. If no one else was there, then he could not have been hurt when they were shooting into the crowd?

Answer. There was no crowd to shoot into; there was no crowd there.

Question. Did Warner do nothing to provoke them to fire upon him?

Answer. Nothing in the world. He was a very peaceable citizen—an unoffending man.

By Mr. COBURN:

Question. Have you traveled recently in the thirty or forty counties to which you refer as having no Ku-Klux in them?

Answer. No, sir.

Question. Do you take newspapers from those counties?

Answer. Well, I take them indirectly. I take the two newspapers that are published in Columbus; and they republish every matter of news.

Question. You do not take the papers published in those counties?

Answer. No, sir; there are not many papers published in those counties.

Question. Can you say that you have seen one man from every one of those counties and talked to him within the last year?

Answer. O, no, sir, I could not.

Question. As to the Loyal League, how extensively does that prevail, according to your knowledge?

Answer. My knowledge is very limited. My opinion is, though, from the best information I can get, that it is confined chiefly to the large towns and the counties which have a very heavy black population.

Question. Do you belong to the League?

Answer. O, no, sir.

Question. Do you know where or when they meet?

Answer. No, sir. They meet at night. I know nothing about them. The supposition is that it is an organization for the purpose of influencing votes.

Question. Do you know that of your own knowledge?

Answer. I do not.

Question. You said that it was for the purpose of compelling voters by force, or something of that kind, to vote in a particular direction; do you know that?

Answer. Well, I meant to influence voters. I do not think myself that they ever use physical force.

By the CHAIRMAN, (Mr. POLAND:)

Question. You said, I believe, that those Leagues seem to be dying out?

Answer. I think so.

Question. Have you known of their holding any meeting since the presidential campaign in 1868?

Answer. I cannot say that I have known it; but they held them, according to universal belief, all through that campaign.

Question. Have any been held since that time?

Answer. I think they did hold meetings when we were electing our members of the legislature. We have three days for our elections in Georgia; and on the first day the black vote came in in a body, as you may say; the voters seemed to be organized, and the matter was supposed to have been arranged in the League some nights before.

Question. When was that?

Answer. Some time this year; the members elected were for the coming legislature. I think the election was in March, or perhaps April.

By Mr. COBURN:

Question. Did not the Columbus newspapers come out in approval of the murder of Ashburn, saying his death left "one enemy less?"

Answer. Well, I declare I do not know.

Question. Did you read the papers at that time?

Answer. Yes, sir; I take the Columbus papers.

Question. You do not know whether they approved of that murder or not?

Answer. I rather think they condemned it universally. That is my remembrance.

WASHINGTON, D. C., *July* 18, 1871.

Hon. WM. W. PAINE sworn and examined.

The CHAIRMAN, (Mr. POLAND.) General Blair, as this witness has been called at your request, you will please open his examination.

By Mr. BLAIR:

Question. Where do you reside?

Answer. In Savannah, Georgia.

Question. How long have you resided there?

Answer. Since the war.

Question. What positions have you held in Georgia, either before or since the war?

Answer. I have been a senator in the Georgia legislature.

By Mr. POOL:

Question. Before the war?

Answer. Yes, sir. Since the war I have been elected a member of Congress from the first congressional district of Georgia.

By Mr. BLAIR:

Question. State, if you please, the present condition of your State, especially that part where you reside, with reference to the security of property and life and the execution of the laws.

Answer. In the city of Savannah, and in the first congressional district, the laws are well enforced, so far as I have had opportunity to observe. I went into a great many counties during the canvass of last year, and I heard no complaint whatever. I know that in the county of Chatham, in which Savannah is located, the law is enforced, and enforced impartially. I know of no instance, nor have I heard of any, in the first congressional district, where the law has not been enforced.

Question. Is there any secret organization of disguised men for the purpose of violating the law?

Answer. I do not think there is in the first congressional district. I have taken some little pains to inquire about that. After I had been summoned here I saw several persons from the interior. Thinking that this would be one of the questions I would be asked, I inquired concerning the matter; and the persons of whom I inquired did not believe there is any secret organization in the first congressional district. There may be, but I honestly believe there is not, in the first congressional district, any such organization.

By Mr. BECK:

Question. How many counties are there in your district?

Answer. Twenty-nine.

By Mr. BLAIR:

Question. Is there, in your congressional district, any difficulty or danger in the expression of political opinions or the exercise of political and civil rights?

Answer. I think not. I think that in the first congressional district political opinions, when not offensively expressed, may be freely uttered. I know that I have heard men expressing their opinions freely. But a person expressing his opinions officiously and offensively might, perhaps, raise some difficulty.

Question. Do you know whether there has been any violence exercised by the negroes toward people of their own color who express a desire to vote the democratic ticket?

Answer. At the first elections there was; but I think that is dying away. The Union League did exercise an influence; and the negroes were generally afraid to vote any other than what was called the republican ticket. But I am speaking now principally of Savannah, because I have been there on the days of the elections. I think that this opposition which was at first manifested is dying away to a great extent, and that negroes can vote as they please. They generally do vote as they please. I do not know whether you want my opinion about the negro as a voter.

Question. Give us your opinion about that.

Answer. I think that a large portion of the negro voters are, with a few exceptions, what we call "floaters;" like the lower part of the white population, they are easily led and controlled. They have no fixed principle to govern them at all. If I may so express myself, their affection is more for the candidate, whoever he may be, than for the party.

Question. They go rather upon personal considerations than upon general principles?

Answer. They go mainly upon personal considerations. I think they have a sort of general gratitude toward the republican party. They are impressed with the idea that they are indebted to that party for having given them their freedom: and they feel a kind of gratitude toward that party. But as regards the masses of them, (there are certainly exceptions,) they will go for any one they like personally in preference

to one they do not like. I will give an illustration. Every one of the negroes of our family, except one, voted for me as a candidate for Congress, and they were scattered over different counties in the first congressional district. That one who voted otherwise told me that he would have voted for me but for his connection with the republican party; that he was considered one of the leaders of the party, and could not vote for me. I did not say a single word to them in the way of persuading or asking them to vote for me. I never asked a living man to vote for me. I have seen the negroes vote in the same way for others—upon personal considerations, from personal friendship.

Question. You have not had in your part of the State any outrages by what are known as secret disguised organizations of men?

Answer. None that I know of; certainly none recently. There have been some outrages committed; but I think they arose upon the spur of the moment—from some sudden occasion and not from any preconcerted organization.

By the CHAIRMAN, (MR. POLAND:)

Question. I observe that in your answers about bodies of disguised men you confine your statements to your own congressional district?

Answer. Yes, sir; I do not know anything personally outside of that district.

Question. Have there been newspaper and other rumors about bands of disguised men in other parts of the State doing injury to people?

Answer. Yes, sir, I have read in the papers about those disguised men.

Question. Have you any doubt that in some portions of the State there have been these organizations? How far the organizations extended you of course do not know; but have there not apparently been such organizations of men in different parts of the State?

Answer. I do not know whether there have been organizations. I have heard of bodies of men, ten, fifteen, or twenty, going to persons' houses and interrupting them, and sometimes, perhaps, punishing them; but my opinion is that they are not organizations.

Question. Do not such proceedings show an organization to some extent?

Answer. They may be organized; but I do not think they are permanent organizations; they may be, however.

Question. Do you not understand that they wear a disguise, which is a kind of uniform?

Answer. No, I never heard of it.

Question. Do you not understand that they wear some kind of prepared disguise; not merely a disguise made by the derangement of their ordinary apparel?

Answer. Not that I know of.

Question. Do they not wear caps and gowns?

Answer. Well, their faces may be disguised.

Question. Have you not heard that they wear a peculiar gown or robe and high hat, and make, altogether, a sort of unearthly figure?

Answer. No, I never have heard about their presenting themselves in that form. There may be rumors of such things, but there is nothing that would make me, as a sensible man, believe such a thing. I never have heard it in such a connection as to make me believe it.

Question. Have you understood, from your information, that there was nothing more of this disguise than merely putting something before their faces, so that they could not be seen? Has there not been something in the nature of uniform?

Answer. I never heard that there was.

Question. You have heard that they went disguised?

Answer. Yes, I have heard that. I have seen it in the papers, and have heard others say so.

Question. From the information you have obtained, is it your idea that they merely put on something to conceal their faces?

Answer. I do not know what the Ku-Klux organization may be in the upper part of Georgia, but I do not think it exists in the first congressional district.

Question. You have never heard of it there?

Answer. Only in one county, or perhaps two counties, and then so vaguely that I do not think the report is entitled to any credence at all. There was a case reported from Washington County—not in my district. There may have been two counties in which these Ku-Klux were said to exist. But my idea of these organizations is this: When gin-houses are burned, or when a man loses a horse, when these things happen in a neighborhood frequently, and it is thought that certain persons in the vicinity are the guilty parties, some men gather together to punish the supposed offenders in some way or other. It is in pursuance of the old plan, which has been followed for years back, of enforcing order by what they call "regulators" or "lynch-law."

Question. Do you suppose that in any part of Georgia, if horses are stolen and other offenses committed, there is any difficulty in prosecuting and punishing the offenders by regular legal process?

Answer. There is no difficulty, of course, where the offenders are known and legal proof can be obtained; but sometimes a community may be satisfied that a person is guilty of an offense when there is no positive legal proof.

Question. And therefore it is safer to punish him without proof?

Answer. I do not know about its being safer.

Question. That must be the idea.

Answer. Well, those things are done for the purpose of having such depredation stopped. I will mention a little circumstance that happened long before the war. In the town in which I lived—not the city of Savannah, but an interior town—a stranger coming there on a visit lost several hundred dollars. Everybody in town knew or thought he knew who took that money. Everybody believed to a certainty that the thief was a trifling man who lived in the neighborhood. That night the young men of the village (I had nothing to do with it myself) took this man out, whipped him, and made him confess where that money was; they went and got the money and returned it to the man from whom it had been stolen. Now, this man could not have been convicted by strictly legal evidence. It was only known that this stranger had gone to his house, and the character of the man was so well understood that every one was satisfied that if the money was stolen this man must have got it. Now, cases like that might happen at the present time; and they would have nothing to do with the Ku-Klux, if there is such an organized body. Those young men took this thing in hand on the spur of the moment. I have thought that a great many of these reported outrages originated in that way.

By Mr. POOL:

Question. Were those young men, who recovered the money for the stranger, disguised?

Answer. O, no, sir. Some of them may have been disguised; but the man knew who they were.

By the CHAIRMAN, (Mr. POLAND:)

Question. In reference to the voting of the colored people, you say that they generally feel that they owe an obligation to the republican party?

Answer. There is that general feeling among them; but, notwithstanding that, they will vote for the person whom they like the best; there is no doubt in the world about that.

Question. They have not education and experience enough in public affairs, I suppose, to reason much about politics?

Answer. They know but very little about politics.

Question. But they do all know and feel that they owe their freedom to the republican party?

Answer. I think so.

Question. They feel that?

Answer. Yes, sir; but there are numbers of negroes in Savannah, and also in the interior, who attach themselves to the democratic party, who openly and above-board say they are democrats, and on the day of the election are as active as any men you ever saw in getting democratic votes.

Question. Is that generally because of their attachment to some democrat, or is it on account of any political information which they have?

Answer. You may say that it arises in part from their opposition to certain classes on the other side; besides that, some of them like to go with those they call their "old masters."

Question. That is, they are so situated that other reasons overcome this general feeling of obligation and gratitude to the republican party?

Answer. Yes, sir; and even that is dying out.

Question. They are forgetting their obligation to that party?

Answer. Yes, sir.

By Mr. POOL:

Question. Did you ever know any colored man to use any violence, by word or act, toward a white man because that white man voted the democratic ticket?

Answer. No, sir; I do not think I did.

Question. Their operations seem to be confined to their own race?

Answer. Yes, sir; their own race.

Question. Do the colored men electioneer with the white men and endeavor to persuade them to vote the republican ticket?

Answer. There may be isolated cases, but it is not done at all as a general thing.

Question. Have you ever known any case where colored men have made any effort to influence a white man's vote by any means?

Answer. Not personally.

Question. Any operations of theirs with reference to influencing votes are confined to men of their own color?

Answer. Yes, sir; and that is dying away.

Question. Do you know how much public debt was incurred by the State of Georgia for war purposes in aid of the rebellion?

Answer. I really do not know. I was not in public life at that time.

Question. Can you give us an approximation?

Answer. No; I do not know that I can give even a guess. I have no doubt the amount was very heavy.

Question. It was all required by the constitutional amendment to be set aside.

Answer. Yes, sir; and also by the constitution of the State of Georgia. I do not know that I have seen the amount stated; if I have, I have forgotten.

WASHINGTON, D. C., *July* 20, 1871.

JOHN C. NORRIS sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you live?

Answer. At Atlanta, Georgia.

Question. How long have you lived there?

Answer. I have been staying there since the 12th of March, 1869.

Question. Where did you live before that time?

Answer. At Warrenton, Georgia.

Question. In what county?

Answer. In the county of Warren.

Question. How long had you lived in Warrenton?

Answer. About eighteen years.

Question. Are you a native of Georgia?

Answer. Yes, sir; I was raised in that county.

Question. You have always lived in Georgia?

Answer. Yes, sir.

Question. What was your business before the war?

Answer. Manufacturing boots and shoes.

Question. And you carried on that business in Warrenton?

Answer. Yes, sir.

Question. Did you carry on a business of considerable extent?

Answer. Well, right smart.

Question. What were you doing during the war?

Answer. I did a great many things during the war. I manufactured, though, during the war.

Question. You carried on the same business?

Answer. I carried on the same business during the war.

Question. Were you conected with the army on either side during the war?

Answer. No, sir. I manufactured and so on, and kept out of the war; at least I was not in the field service at all, except at one time when they crowded me. I went to Augusta and got into taking a position in a shoe factory in Augusta for only a short time.

Question. That was government work?

Answer. Yes, sir. During the time I was there I was ordered out to Savannah.

Question. But you did no military service during the war?

Answer. No, sir. I was going to tell you that I was ordered to Savannah as one of the local troops from Augusta at the time General Sherman was coming to Savannah. But I left there in a few days, and never had any fighting.

Question. After the war was over, did you go on with your business of manufacturing?

Answer. I started it, but did not carry it on but a very little while. Having been during the war opposed to secession, and opposed to the war, I found I could not carry on my business.

Question. Did your course during the war render you unpopular and unacceptable to the people there?

Answer. Yes, sir; "obnoxious," they call it.

Question. What were your political antecedents? What party did you belong to before the war?

Answer. I was a whig, before the war.

Question. After the war was over, and when efforts began to be made in regard to reconstruction, what political side did you take?

Answer. I then took the republican side. I was in favor of reconstruction.

Question. Were you elected to some office in your county?

Answer. At the first election we had after the war I was elected sheriff of my county.

Question. When was that?

Answer. About April, 1868, I believe.

Question. How long did you hold the office of sheriff?

Answer. I held the office up to the 12th of March, 1869.

Question. Nearly a year?

Answer. Yes, sir.

Question. Go on and state the history of affairs in that community during the peri of time that you held the office of sheriff. State how you were treated in the dischai of your official duties and the various transactions that took place there during tl time.

Answer. When I was elected sheriff and my commission was sent to me, I went some parties who, as I thought, looked at things the same as myself—parties who h rather agreed if I was elected to stand on my bond; I proposed to them to go on i bond.

Question. Your official bond as sheriff?

Answer. Yes, sir. To my astonishment, they stated to me that if I would come c in a letter denouncing the administration and agree to go for Seymour and Blair, th would stand on my bond, otherwise they could not. And the little paper in my to' gave notice that any man who stood on my bond would be denounced as a radical every way. To call a man a radical down there in those times was worse than to c him a horse-thief. I told them I did not feel disposed to do what they suggested.

Question. Was there any objection to their becoming sureties on your bond in c(sequence of your irresponsibility or want of character, or anything of that sort?

Answer. Nothing that I knew of, only the name of radical injured my characte good deal. A man who is called a radical down there is not considered as having a character at all.

Question. That was the evil which they found in you?

Answer. Yes, sir. I always stood very well, as I thought, in my county; had be trusted in everything in which a man could be trusted.

Question. You succeeded in getting sureties on your bond?

Answer. I succeeded in getting Senator Adkins, a very wealthy man there, to stand my bond.

Question. The same man who was afterward murdered?

Answer. Yes, sir; the same man who was murdered afterward. He had told me the start that if I failed in getting sureties on my bond, he would stand for me.

Question. Did he live in your county?

Answer. Yes, sir; he was raised in that county.

Question. In the town of Warrenton?

Answer. No, sir; he lived about nine miles from the town.

Question. Go on with your narration.

Answer. I succeeded in getting Mr. Adkins as surety on my bond. At the first co that we had afterward, General Toombs and Mr. Pottle, a lawyer in my town who l always opposed me, attacked the securities on my bond as not being responsible fo great amount of money that was then in the hands of the old sheriff—some hundi thousand dollars, or more, I believe they stated.

Question. What had you to do with that?

Answer. Nothing at all. They failed to set my bond aside before the court; an then went on and acted as sheriff for nearly a year—up to the 12th of March, 1869—t time of the tragedy between Darden and Wallace. During that time and previous that time, I was threatened a great deal by this organization they called Ku-Klux that county—the K. K. Ks.

Question. Was that organization in existence in your county before you were elect sheriff?

Answer. Yes, sir.

Question. When did it first appear?

Answer. The first notice I had of it was previous to the constitutional convention

Question. When was that?

Answer. I am not positive; I am rather deficient as to dates; but my recollection that it was in 1866.

Question. It appeared in your part of the country as early as that election?

Answer. Yes, sir; and I recollect the thing that first called my attention so clos to it was that after the election took place, Colonel Bryant, who now edits the Geor Republican, in Augusta, wrote me a letter asking me to give him a report as to t election, and so on. I wrote to him giving him what I saw during the election. I ga him the facts that took place, and asked him not to make the facts known, saying tl I was satisfied there was some organization there, and it might prove fatal to me in so way. Some time after that I saw the whole statement published in pamphlet form. gentleman came to me and handed it to me.

Question. You are satisfied that there was an organization in existence as far back the election of delegates to the constitutional convention?

Answer. Yes, sir.

Question. Did it operate on that election?

Answer. It did operate on that election.

Question. How?

Answer. They threatened those who voted.

Question. Did the organization appear in the form it has taken more recently? Were there bands of disguised men going about at that time?

Answer. Yes, sir; they just commenced then. The first that turned out, they called them, I believe, the dead men that had come from the battle of Manassas.

Question. Did they wear a sort of ghostly disguise?

Answer. Yes, sir; they were disguised; and some of them, I suppose, appeared ten feet tall.

Question. On which political side was that organization?

Answer. On the democratic side. I never knew any republican to be connected with it in any way.

Question. How did they operate? What did they do?

Answer. They seemed to have places to meet; they would meet and go out in squads of forty or fifty—may be a hundred. They were dressed in white at that time, and they dressed their horses in white. They would ride over the country. At first they would go to the houses of the most influential negroes and take them out and pretend that they were going to whip them, or kill them, or do something else to them; and they would frighten the negroes nearly to death. They would then turn them loose. This is what they told me; I never saw it.

Question. In those days did these men go to the extent of committing violence; did they do any killing in those days?

Answer. No, sir.

Question. At the start they did not kill any?

Answer. No, sir.

Question. Did they whip any?

Answer. No, sir.

Question. They merely frightened people?

Answer. They merely frightened them. The latter part of 1867 they commenced to whip and kill. That was, I suppose, to try to control the election.

Question. Did they operate in the election when you were elected?

Answer. O, yes, sir.

Question. What was their manner of operating then?

Answer. It was to whip principally; and they killed a good many too. I believe that on Saturday night previous to the election they turned out to the number of two or three hundred, and whipped a good many of the negroes.

By Mr. POOL:

Question. How many did they whip?

Answer. I do not know the number; a good many negroes came to me and told me of the matter. I suppose some dozen or more must have been whipped.

By Mr. COBURN:

Question. In what year was that?

Answer. In 1868, I believe. That was the election in which I was elected sheriff; I think it was April, 1868.

By the CHAIRMAN, (Mr. POLAND:)

Question. And there were some killed?

Answer. Yes, sir; some few were killed.

Question. And a great many whipped?

Answer. Yes, sir; so they told me, and it was never disputed.

Question. After you entered upon your duties as sheriff, how did you get on?

Answer. After I had given my bond I was notified by parties who had been my friends previous to the war, and I thought during the war, to some extent, that I had better resign my office; that there was an organization there that did not intend any radical or "carpet-bagger," or anything of that sort, should hold office among them; that I had better resign my office, or I might be killed.

Question. Who gave you that notice?

Answer. The man who came to me more than once was Judge Roberts. He talked to me about it more than any one else.

Question. Did he live in that town?

Answer. Yes, sir.

Question. Was he a prominent man?

Answer. Yes, sir; he had been a prominent man.

Question. Was he a democrat?

Answer. Yes, sir; but he would not have been, I think, had it not been for the pressure. I think he would have been a conservative man.

Question. He said this to you in a spirit of friendliness?

Answer. Yes, sir; as friendly advice.

Question. As honest information of the trouble you might meet with?

Answer. Yes, sir.

Question. Did you have any notice from this band?

Answer. No, sir; they never gave me any notice at all. Upon the information g me by Roberts and others, believing it to be true, I notified General Meade at At of the facts, stating that I was satisfied of the existence of this organization, and ing him if he would not send a few troops down there; that I was fearful I woul my life, or have to leave the county and give up my office. He sent one of his officers down there, who had an interview with me and with this Dr. Darden, wh afterward taken out of jail and killed. I told this officer what I knew about organization and their operations; but he went back to Atlanta, and no troops sent. Shortly after that I was waylaid and shot.

Question. About what time was that?

Answer. As well as I can recollect, it was in October, 1868.

Question. State the particulars.

Answer. I had been out until between 10 and 11 o'clock at night, and was retu home.

Question. Had you been out of town?

Answer. No, sir. I had been out in town on some business connected with the I had been trying to arrest a man whom I had a warrant for. I had gone by my and when I went by I met there Dr. Darden, who was a friend of mine. We we the office and talked a while. He and I started home, he going one street and other. Before I got to my house, when I was about one hundred and fifty yards it, there was a party waiting for me on the side of the street over the fence as I w up; and when I was, I suppose, within fifteen or twenty feet of them, they rose u shot me from over the fence, or rather two from over the fence and one throug fence. They wounded me severely in five places.

Question. Whereabouts in your person?

Answer. They shot me through both legs, or both hips, and in my side; my lef was shot all to pieces.

Question. With what were their fire-arms loaded?

Answer. They were loaded, as I thought, with buck-shot, duck-shot, and squ shot; they were mixed.

Question. Large and small shot?

Answer. Yes, sir.

Question. Have you now in your person a large number of those shot?

Answer. From the calculation which I have made, and from what the physician attended me during my illness could count, and from what was cut out of me, I about four ounces remaining in my body now.

Question. Did the doctor cut out a good many shot?

Answer. Yes, sir.

Question. Did you see the men who fired upon you?

Answer. Yes, sir; I saw them just as they shot me. As they rose up one of struck his gun against the fence, and it attracted my attention; I stopped, an standing still when they shot me.

Question. Were they disguised?

Answer. They had about a yard of black cambric tied over their faces in this [Illustrating.]

Question. In a sort of bonnet fashion?

Answer. Yes, sir. When they shot me they ran, and one of them fell; and as I so, he either pulled or knocked off this yard of cambric which I have now. I also a very fine pistol which one of them dropped.

Question. They fired at you with guns?

Answer. With double-barreled guns; they did not use pistols.

Question. But one of them dropped a pistol and this mask?

Answer. Yes, sir. I could see their faces; I was standing so near to them and ing right at them when they fired. It was starlight. I could see the shape of and could have told who they all were if they had had nothing on them.

Question. Did you think you knew them?

Answer. Yes, sir; being so close to them, and looking right straight at them they fired at me, the blaze of the gun showed me their faces, and I recognized t them.

Question. The disguise did not really cover the face?

Answer. No, sir; it did not really cover their faces.

Question. You think you knew who these men were?

Answer. I would swear positively to two of the men.

Question. Who were they?

Answer. James T. or James M. Cody, and Ed. S. Cody.

Question. Were they brothers?

Answer. Yes, sir.

Question. Living in your town?

Answer. Yes, sir. The other was E. E. Cody.

Question. Who are these Codys?

Answer. They are young men who have been raised there. Their parents were very wealthy before the war; they were all in good circumstances; they are poor now.

Question. Had you had any personal quarrel or difficulty with these men?

Answer. I had with one of them at one time, directly after the war.

Question. Was it about politics or some matter of business?

Answer. About a matter of business.

Question. Was there so serious a quarrel that you suppose you were shot in consequence of that?

Answer. No, sir; I do not think so at all. I think it was done by a regular order of this Klan.

Question. You think it was for the sin of being a radical and a radical office-holder?

Answer. Yes, sir; I think it was for no other cause; at least, if it had not been for that, I am confident I should never have been shot.

Question. After shooting you, they ran off and you went home?

Answer. Yes, sir. Dr. Darden and my wife met me and assisted in getting me home.

Question. You were confined to the house for some time?

Answer. I was laid up about three months.

Question. During the time you were confined to your house, did anything particular occur which you wish to state?

Answer. Nothing, only I accused these men right away the same night. As soon as my wife and Dr. Darden came to me, my wife asked me if I was hurt much, and I told her I thought I was mortally wounded. She asked me at the same time if I knew who did it. I told her I knew two of the men, and I would tell her as soon as I got to the house. We then went on to the house, and when I got there I told her these three men were the parties who shot me. A lawyer came the same night to see me at my house. He was a friend of mine. I also told him about these parties, and asked him to write out a warrant for their arrest immediately, (I did not think I would live till morning,) and to send for a magistrate that I might make oath to these parties. He did not do it; he said it would not be safe. He said he could not do it; and he advised me not to do it, saying that probably I would be better by morning. The next morning the physicians, Dr. Darden and my family physician, came back to see me. They advised me to resign my office right straight, saying that if I did not these men would kill me sure; that they were then talking of coming to my house, taking me out, and killing me. I told them that I would not resign; and I did not.

Question. Were any proceedings instituted against these men?

Answer. No, sir; none at all.

Question. You say you were confined for some three months?

Answer. Yes, sir.

Question. That took it into January?

Answer. O, no, sir; that took it to the 1st of March. I then went to Augusta, the week before the difficulty between Wallace and Darden. I came up from Augusta the night before the killing of Wallace.

Question. That was about the 1st of March, 1869?

Answer. It was on the 11th of March. I was not in town on the morning Wallace was killed. I had gone into the country to arrest some parties. When I returned about 12 o'clock, I was informed that Dr. Darden had killed Wallace.

Question. Who was Wallace?

Answer. He was the editor of a newspaper and was captain of the Ku-Klux organization—was recognized as such; they did not undertake to deny it at all.

Question. Living in your town?

Answer. Yes, sir.

Question. And Dr. Darden lived there?

Answer. Yes, sir.

Question. Was he a practicing physician there?

Answer. Yes, sir; he was a practicing physician He had been raised there. He was a man about forty years old.

Question. Was Dr. Darden a republican?

Answer. Yes, sir; at least he was in favor of reconstruction and everything of that sort, the same as I was.

Question. You and he acted together politically?

Answer. Yes, sir.

Question. Go on and state the circumstances in reference to the affair between Darden and Wallace.

Answer. When I got home, about 12 o'clock, I was informed of the killing of Wallace; and I saw a large crowd assembling at Martin's grocery; that was a place where these

parties generally did their drinking and where they met pretty often. I saw this crowd assembling there. That was in front of Dr. Darden's office—on the other side of the street. Some of them had double-barreled guns and some pistols. They seemed to be drinking a good deal and swearing that they would revenge the death of Wallace.

Question. Was there a large crowd?

Answer. Yes, sir; I suppose there were fifty persons.

Question. They were persons who lived in your town?

Answer. Some lived in the country and some in town.

Question. They resided in your town and about there?

Answer. Yes, sir; I knew them pretty much all. I then went to Dr. Hubert, the ordinary of the county—a man who was elected on the same ticket with myself, a man who was a mason and a gentleman. I also went to Mr. Gibson, a young lawyer there, and Mr. Jones, another lawyer, and Mr. Wilder, clerk of the superior court—all masons. I asked them as good citizens to go to Mr. Pottle, who was a lawyer there, and also a mason——

Question. Go back and state what the quarrel was between Wallace and Dr. Darden—how the doctor came to kill Wallace.

Answer. I cannot state that knowingly.

Question. State what your information is?

Answer. This that I was going to state occurred under my own observation; but I can state the other as it was told to me by parties whom I cannot question at all. The first difficulty, as I was told, that occurred between them, grew out of the masonic lodge. Wallace, the man that Darden killed, wanted to become a member of the masonic order; and owing to some little abuse that he had given Dr. Darden through his paper about being a radical, he was fearful that probably the doctor might black ball him, or something of that sort, and that he could not get into the lodge.

Question. Darden was a mason?

Answer. Yes, sir. Wallace sent a gentleman who was in the printing office with him to Dr. Darden to know whether, if he sent in his petition, the doctor would black-ball him or not. I was told that this gentleman went back and told Wallace that Dr Darden said he would not. He sent in his petition to the lodge; and when the election came off he was black-balled; he received two black balls. So the parties told me afterwards; in fact, Wallace published that in his paper. He then said that he would kill the man who did it. He seemed to have a list of those that were present at the time he was black-balled in the lodge. He went around to all of those, and each one gave him a certificate stating that they never black-balled him.

Question. The result was that he became satisfied Dr. Darden was the man who did it?

Answer. Yes, sir. He then published Dr. Darden in his paper as being a coward, a scoundrel, a perjurer, and everything of that kind; he attacked him as a mason, as a gentleman, and everything else. Upon his making these declarations, the doctor, it seems, loaded his gun and killed him on sight—shot him and killed him.

Question. Wallace had given out that when he ascertained who the man was that black-balled him he would kill him?

Answer. Yes, sir.

Question. And he had ascertained, or professed to have ascertained, that Darden was the man?

Answer. Yes, sir; and Darden shot him and killed him.

Question. Now resume your narrative where you stopped.

Answer. As I was saying, I went to Dr. Hubert, Mr. Gibson, Mr. Jones, and Mr Wilder, and told them that I was satisfied these parties were organizing for the purpose of killing Darden, and that I thought it was their duty as masons, and as gentlemen, (Dr. Hubert being a public officer, as I myself was,) to try to intercede and prevent the mob from killing him, or attempting to do so; and as Mr. Pottle and I were not friendly, and as I thought he had the proper influence with that party, I thought the best policy would be for them to go down and ask him to go and intercede and stop the mob.

Question. Mr Pottle was a leading democratic lawyer there?

Answer. Yes, sir. Dr. Hubert promised me that he would go and see Pottle. He went down; I saw him coming from Pottle's house; what took place there I do not know; but Mr. Pottle never came out at all.

Question. You understood that he declined to do anything?

Answer. Yes, sir; that was my understanding. I sent for him myself. He had sent me into the country with a warrant for the arrest of some parties for rape.

Question. That was the business on which you had been out that forenoon?

Answer. Yes, sir; he was the prosecutor; and when I got in with the prisoners, I sent for him to come to the office. He refused to come, and sent me word by the father of the girl who had been raped to turn the prisoners loose.

Question. To discharge them?

Answer. Yes, sir. I told this man to tell him that I would not do that; that I had

not the right, and that I would not do it anyhow unless the costs were paid for my trouble. He went back to Mr. Pottle; and when he came back he had the money to pay me; and my recollection now is that Mr. Pottle wrote me a note this next time telling me to turn them loose. I did turn them loose upon receiving the costs.

About 5 o'clock in the afternoon of the same day (the crowd by that time numbered I suppose one hundred) this party at Martin's grocery sent a young man to me, who lived in Sparta, Hancock county—a young man by the name of Sledge; they sent him to me for me to send the jail key; stating that if I would send the jail key and send Dr. Darden word to give up his arms, surrender himself, and go to jail, they would let the law take its course. I sent the key. I sent my little son to Dr. Darden to tell him the message that these men had sent me, and that I would advise him to do as they said. At the same time, I sent my wife to his house for his wife and children to come to his office to go to jail with him. I was fearful they would kill him as soon as he came out of his office. His wife and children came and went with him. As he came out of his office some of them drew their pistols, and made for him, and I am confident they would have killed him, but his wife and children hung around him so closely that they were unable to shoot, without some danger of killing some of them; and by that means he got to the jail.

Question. The crowd took him to the jail?

Answer. Yes, sir, they took him right on to the jail. They put him in the jail. The man appearing and claiming to command the crowd was James M. or James T. Cody.

By Mr. POOL:

Question. Were these men disguised?

Answer. No, sir. This was in the day-time. They did not disguise themselves in the day-time. He then put his armed crowd around the jail and claimed to be in command of it. Mrs. Darden, the wife of Dr. Darden, came to my house and asked me if I would go down and summon some good citizens to guard the jail, to prevent this mob from taking her husband and killing him. I told her I would. I went down and summoned a number of the oldest citizens and went down to take charge of the jail. This man then commanding the jail forbid me to put a guard at the jail, and said that the man that attempted to come near the jail would be killed. They then advised me to go home, saying that my life would not be safe.

By the CHAIRMAN, (Mr. POLAND:)

Question. Your friends so advised you?

Answer. Yes, sir. I then went home. About dusk John Raley, the man who put Darden in jail for this mob, came to my house and said that these men at the jail wanted me to come down and search the prisoner; that they thought he had a pistol, and that they would not let his supper be given to him until I came down to search him. I told him I would not go down to the jail at all. My opinion was that they wanted to get me down there and lock me up, and then take me out and kill me at the same time with Darden. I had good reasons for so believing. He then offered me the jail key. I refused to take it and told him to take it and keep it till morning, or carry it down and give it to the men and let them search Dr. Darden to their satisfaction. He refused and left the jail key on the gate-post.

Question. At your gate?

Answer. Yes, sir. John R. Speance was in company with him; I forgot to state that. Mr. Raley returned to the jail, or went in that direction. John R. Speance went home. He said he thought he understood it, and he went home.

By Mr. POOL:

Question. How did he understand it?

Answer. I did not know. I suppose he understood it just as I did.

Question. How was that?

Answer. I understood that they wanted me to go to the jail in order that they might lock me up and kill me at the same time as Darden. I thought from Speance's remarks that he understood it the same way. Between 8 and 9 o'clock this party had organized and disguised themselves. Their uniform previous to that had been white robes, and their horses were dressed in white always when they turned out, every time I had seen them. That night, when they came to my house, they had on black masks and were dressed in black.

By the CHAIRMAN, (Mr. POLAND:)

Question. All of them?

Answer. All of them were dressed in black; and they have been wearing black ever since that time.

Question. You think they changed their uniform about that time?

Answer. Yes, sir, for some cause or other.

Question. A band dressed in black disguise came to your house?

Answer. Yes, sir.

Question. What did they want with you?

Answer. They came there and demanded the jail key. I heard them coming. I was looking out and expecting them to come to my house. I went out the back way; and I told my wife to go to the door with a lamp in her hand. I was fearful that when she opened the door they might take her for me and shoot and kill her. She did so. They came up and demanded the jail key. By his voice I recognized the man demanding the key as A. I. Hartley. My wife went out and spoke to him and called him by name. I was near enough to hear them talk. She told him that he and the party he was with ought to be ashamed of themselves; that she was satisfied there was not a man in the crowd that did not know her and me perfectly well, and that they ought to be ashamed of themselves. This man, James M. Cody, then spoke to Hartley. I recognized his voice and so did my wife and my son; we all recognized those two parties. Cody told Hartley his mouth was always too big. Cody then cursed and abused my wife a good deal, and said that they would come in and search the house anyhow. She begged him not to do it, and said that I was not there and the keys were not there; that I had gone and taken the keys with me; that my children were sick, and that if they came into the house with their masks on they would frighten them nearly to death. Hartley then spoke and said they had a man who was not disguised and they would send him in. He then called this man John Raley.

Question. The same man who brought the key?

Answer. Yes, sir; and the same man who put Dr. Darden in jail. He came up and spoke to my wife; he was a cousin of hers. He went into the house and searched it from bottom to top; came out and reported to the parties that he could not find me or the keys; that I was not there. Some party then fired a pistol—I don't know who did it or what for. The crowd then all went back to the jail. A short time after they went to the jail I heard them pounding at the door.

Question. How far was the jail from your house?

Answer. I suppose one hundred yards would cover it. They commenced pounding at the door of the jail, as if with sledge hammers or something of that kind, to break down the door; they hammered there for a good long time without any success apparently; the door had been broken down once by some parties, and I had it well fixed; I thought it impossible for them to knock it down; but after pounding at it for a considerable time they tore down a calaboose—a house used as a prison by the municipal authorities, and built a fire against the door; the jail was built of rock, and the door was an iron door; they built a fire, and as I judged when I examined afterwards, heated the door red hot, burning out the wood that fastened the hinges of the door on the inside; this enabled them to shove the door in, and they shoved it in; when they shoved the door in, they started into the jail; Darden it seems had a pistol sure enough; and he told them that the first man who came near him he would shoot him. The cell door was made of iron bars crossed; you could put your fist between the bars. They then took the remainder of the house that they had torn down and built a fire right at the cell door, and burned and smoked him until he surrendered, or at least told them that if they would put the fire out he would give up. There is one thing I have skipped over. There was a negro woman in jail who was crazy; she had been put in there for safe keeping. After the crowd pushed the door in, a gentleman by the name of Richard A. Heath, who had formerly been sheriff of the county, ran into the jail. When they were going to build this fire inside he thought it would set the jail on fire; overhead there were logs, and the steps of the jail were made of wood; and he thought it would set those steps on fire, and set the log ceiling on fire; he told them not to build the fire until he could go up stairs and get this woman out; he went in, took her out, and sent her off; I think he first sent her to my house. The men then went on to build a large fire right before the cell door, by which they burned and smoked Dr. Darden until he told them that if they would put the fire out he would surrender; they put the fire out; but after it was put out, and he got fresh air, he would not surrender; they then built the fire again and smoked and burned him that time until he was nearly dead, from what some of them told me; he then put his hand out and pushed his pistol out through the grating of the door into the fire, and it went off; they then put the fire out and took cold chisels and took the lock off the cell door, and took him out. They carried him to his office and kept him there for some hours, I was told, until the train came down from Atlanta; it came down about 1 or 2 o'clock in the morning; they made him drink there, I believe, a quart of whisky. They then took him to the hotel where the remains of this man Wallace were, and attempted for some purpose—I do not know what—to go into the parlor where his corpse was; the lady of the hotel locked the door and kept them out. They then went back of the hotel on the edge of the town, right alongside the railroad, and there, from what my wife told me, (she saw Dr. Darden's body the next morning after he was killed,) they must have stripped all the clothes off of him and shot him to pieces; I suppose from what they said that there were about thirty bullet holes in him; they then put the clothes back on him again. From his hips up he was almost filled with bullets; one or two balls I believe went through his head; one went through his neck, apparently cutting the jugular vein; and all his breast

was just filled with bullet holes. His clothes had no holes in them at all; and it was supposed from that that they must have stripped him naked, shot him, and afterward put his clothes on. I heard several persons mention the fact that the clothes did not appear to have any bullet holes in them at all. His body lay there until next morning about sunrise, when some negroes working on the railroad carried him home to his family.

Question. You left your house that night; where did you go?

Answer. I went to Augusta. I went to the house of Mr. Battle, a friend of mine in the country, and got a horse; I was not able to walk much at that time; I got a horse from his wife, (he was gone from home,) and rode out to the railroad, got on the cars and went to Augusta to see General Sweeny, who was then there. I told him what was going on and asked him for some troops.

Question. He was in command of some troops there?

Answer. Yes, sir. He said he had no right to give them to me, and could not do so. I then left and went to Atlanta. When I got to Atlanta I failed again to get troops. General Ruger was then commanding the garrison, and General Terry was expected on. I remained there until General Terry came. Just before General Terry came, General Ruger sent some troops down; and when General Terry came I went down there myself.

Question. What was then done?

Answer. I then arrested these parties—this man Cody who commanded the mob and these parties who were surrounding the jail with arms.

Question. Were they arrested by you as sheriff, or by the military?

Answer. By me as sheriff.

Question. How many did you arrest?

Answer. I think there were some eight of them. I have a copy of all the bonds in my pocket.

Question. What was done with them after they were arrested?

Answer. They were put under bonds by a magistrate there.

Question. They were charged with the murder of Darden?

Answer. Yes, sir. I believe the bond of one of them is for $1,000, and the others are $5,000 and $10,000.

Question. Did they get bail?

Answer. Yes, sir; they gave good bonds, all of them. They have never been tried.

By Mr. COBURN:

Question. Give the names of the persons who were arrested.

Answer. B. H. Ivey, E. S. Cody, H. Martin, James M. Cody, (it is either James M. or James T.) E. E. Cody, A. I. Hartley, and Church Hill.

By the CHAIRMAN, (Mr. POLAND:)

Question. Those men were arrested and gave bonds for their appearance at court?

Answer. Yes, sir.

Question. What has become of those cases?

Answer. They have never been tried that I have ever known of.

Question. The parties were bound over for their appearance at the next term of the court?

Answer. Well, I believe the bonds are, to appear before any court that might convene for the purpose of trying their cases. My reason for getting the bond up that way was that I thought there might probably be a military court to try them. I did not know what General Terry might do with them.

Question. Has any indictment ever been found against them, or any of them, by a grand jury?

Answer. No, sir; none that I know of. If any of the cases have ever been tried before a grand jury regularly, I do not know of it.

Question. Putting the parties under bonds is all that has ever been done on that prosecution?

Answer. Yes, sir.

Question. They have never been proceeded against any further under that complaint?

Answer. No, sir. The court has adjourned from time to time since that, so far as know.

Question. Do you know that a term of the court has ever been held?

Answer. No, sir. I understood at one time that Judge Gibson from Augusta came out there to hold court, and probably held court one day, or a piece of a day, for some purpose; and during that time they got true bills against me in that court for false imprisonment—for arresting these same men and putting them in jail.

Question. They indicted you instead of indicting them?

Answer. Yes, sir; they indicted me for false imprisonment, for which there were warrants issued and sent to Atlanta. I was arrested by the sheriff of Fulton County on these warrants; and I gave bond for my appearance at the next term of the court in

Warren County. My lawyers went to Governor Bullock and asked him for a pard knowing very well that if I went down there I would not be tried but killed—assa nated; and Governor Bullock pardoned me for the offense before I was found guilt

Question. He pardoned you for the offense of arresting these men?

Answer. Yes, sir; he had to do that to save my life, as I thought.

Question. What further was done?

Answer. I believe that winds up that case.

Question. Were there not some arrests made by the military?

Answer. Not in that case. I was the only party that arrested any of them.

Question. When the soldiers arrived you went down and had these men arrested bound over. How long did you stay there at that time?

Answer. About three months.

Question. Did troops remain there all that time?

Answer. Yes, sir; the troops remained there for over a year.

Question. Where did you go when you left?

Answer. I went back to Atlanta, and have been there since.

Question. You have not since been back to Warrenton to live?

Answer. No, sir.

Question. What became of your office as sheriff?

Answer. It was turned over to a man by the name of Wright.

Question. Did you resign?

Answer. No, sir. Wright was appointed by General Terry, I believe, or by the co I do not know which.

Question. Because you had removed away?

Answer. Yes, sir. When I went back there with the military I arrested a man by name of Martin.

Question. What for?

Answer. As being accessory to this murder. I was going to try him before a milit court.

Question. Was he the only one that was arrested?

Answer. Yes, sir; at that time.

Question. You were going to try him before a military court?

Answer. Yes, sir. I applied to General Terry for the commission.

Question. Was a military court convened?

Answer. Yes, sir.

Question. And Martin appeared before it?

Answer. Yes, sir.

Question. What became of that case?

Answer. We went on with the investigation for four days.

Question. Taking testimony?

Answer. Yes, sir; taking testimony before that military commission.

By Mr. BECK:

Question. Was this for the killing of Dr. Darden?

Answer. Yes, sir. The commissioner was F. H. Terbett.

By the CHAIRMAN, (Mr. POLAND:)

Question. Was he a military officer?

Answer. Yes, sir. We carried on this investigation. I could not hire any lawyer.

Question. Was Martin put on trial, or was this a mere investigation by the militar

Answer. Martin was brought into court regularly. I supposed it was a trial to i vestigate his case as to whether he was guilty or not. I did not think it was a co to pass sentence on him if he was guilty.

By Mr. COBURN:

Question. It was merely a court of inquiry?

Answer. Yes, sir, I suppose so; it is the only military court I ever had anything to with.

By the CHAIRMAN, (Mr. POLAND:)

Question. This military officer was investigating?

Answer. Yes, sir.

Question. Did anybody sit with him?

Answer. He sat alone.

Question. It was merely an investigation?

Answer. Yes, sir.

Question. You went on with this investigation for four days?

Answer. Yes, sir. On the night of the fourth day, Terbett sent for me to go to l tent; between 9 and 10 o'clock, after I had gone to bed, he sent a non-commission officer to my house. I got up immediately and reported at his tent. When I got the he asked me if I wanted to ruin that whole people. That was the first question

asked me. I told him I did not understand him. He said, that if the case went any further the whole people would be involved. I then told him, "It is not my intention to ruin the whole people at all; it is my intention to prosecute the guilty, and protect the innocent, so far as I can." I asked him what he wanted to make a proposition of that kind for. He then stated that Mr. Pottle, the lawyer for the defense, and Mr. R. A. Heath, had just left; that they had been over there all the evening.

Question. Who is Heath?

Answer. He was the former sheriff. Terbett said that these gentlemen had stated to him that if the case could be stopped where it was, they would surrender the five men whom the evidence as taken down would convict; that they would be willing to surrender these five as guilty of the murder, if the case could stop. I told him I was unprepared to give him an answer, but that I did not think I could do anything of that sort; that the thing had passed out of my hands entirely; but I told him I would meet him next morning at the court-room, and I would study about the matter during the night. I met him next morning at the court-room, and he then insisted that I should accept the proposition. He told me that two of these five men were two of the men that shot me, and that the governor's proclamation offered a reward of $5,000 each for the conviction of any of that party; that that would pay me.

Question. Had the governor offered a reward for these men who shot you?

Answer. No, sir; for the men who killed Darden. He had offered a reward of $5,000 each, which would be $25,000 for the five. Terbett said that that ought to be satisfactory to me. I then told him that if Mr. Pottle would come into court, and, as their lawyer, admit before witnesses the guilt of these five men under the evidence, and would carry the evidence to Atlanta, and lay it before General Terry and Governor Bullock, and they would approve the arrangement, it would give me satisfaction. He went down and had an interview with Mr. Pottle, who had an office in the court-house. Mr. Pottle and Mr. Swain, one of the witnesses, came into court. I then stated to Mr. Pottle the proposition that Major Terbett had made to me, and asked him if it was correct, and whether he agreed to that proposition. He said he would. I then told Major Terbett to adjourn the court until he could go to Atlanta; that he must leave for Atlanta that night. The court adjourned, and the proceedings stopped right there. Then they arrested me, accusing me of being bribed. Some parties had given me a note to pay me $5,000 for damages which had been done to me by shooting me and driving me out of the county.

Question. Who gave you that note?

Answer. W. W. Swain, John R. Swain, and P. M. Hill.

Question. Were they three of the five men?

Answer. No, sir; they had nothing to do with it; they were outside parties entirely. The names of the five men were A. I. Hartley, James M. or James T. Cody, E. S. Cody, Henry Ivey, and Church Hill.

Question. Those men were to be surrendered and turned over to the civil authorities. What was to be done with them?

Answer. I had them under bonds. As my understanding was, they were to be considered as found guilty.

Question. But what was to be done with them?

Answer. They were to be brought before the military court that I expected to follow this investigation, or the civil court.

Question. They were to be surrendered to be tried by some court?

Answer. Yes, sir; that was my understanding; that they were to be brought before the court under these bonds without any more trial, except the evidence then taken down.

Question. Was it a part of the proposition that you were to be paid $5,000 for the injury which had been done you?

Answer. O, no.

By Mr. BECK:

Question. Those five men were to confess their guilt?

Answer. O, no; they were to make no confession of guilt; but this lawyer representing them ——

Question. He was to enter the plea of guilty?

Answer. Yes, sir, certainly.

Question. Upon the evidence already taken?

Answer. Yes, sir.

Question. And nothing was to remain except to sentence them on that plea of guilty?

Answer. That is all.

Question. And procuring the plea of guilty was to secure you the reward?

Answer. They said that would give me the reward.

Question. The reward of $25,000?

Answer. Yes, sir.

Question. And with that you were satisfied?

Answer. I was only satisfied as an individual; but, you see, I left it with General Terry and the governor.

By the CHAIRMAN, (Mr. POLAND:)

Question. The arrangement was to be approved by them?

Answer. If they did not approve of it, then they were to bring another company of troops, and the State's attorney, Colonel Farrow, was to prosecute the thing.

Question. You have said something about a note for $5,000; what connection has that with this transaction?

Answer. When I went down there, they offered me, before this thing occurred, a bribe of $12,500.

Question. Before these proceedings were started?

Answer. Yes, sir; a bribe of $12,500 if I would leave the State, burn up all the information I had, and take an oath never to divulge any information to any one.

Question. Who offered you that?

Answer. W. W. Swain offered $10,000 of it, and H. R. Cody offered $2,500, in the way of taking a house and lot which I had.

Question. He was to give you $2,500 for your house and lot?

Answer. Yes, sir; the whole thing was to amount to $12,500.

Question. Cody was to take your house and lot, and give you $2,500, and Swain was to pay you $10,000?

Answer. Yes, sir; they made me that proposition; I told them I would not do it.

Question. That was to stop everything?

Answer. That was to stop everything, and I was to leave the State.

Question. That you refused to do?

Answer. Yes, sir. A day or two afterward, Swain came to me again, and told me that if I would not swear out any more warrants against the people down there, he would pay me $5,000 as damages for what had been done to me.

Question. For shooting you?

Answer. For the shooting, and for driving me away from my home, and the injury that had been done me otherwise.

Question. For your personal injury?

Answer. Yes, sir. I told him that if he would give me $5,000 for that, I would not swear out any more warrants against any one except those I knew to be guilty; that the warrants I already had I would execute, and would execute all warrants and papers put in my hands, if it was possible to do so. He agreed to give me the $5,000, and he gave me a note for it, signed by W. W. Swain, John R. Swain, and P. M. Hill.

Question. Who is W. W. Swain?

Answer. He is a farmer down there, and a school-teacher—a pretty wealthy man.

Question. Was he a prominent man in the affair?

Answer. He said he had nothing to do with it at all; that he did not belong to the organization, and never had had anything to do with it.

Question. Was he in the crowd that killed Darden?

Answer. He said he was not.

Question. Do you suppose he was?

Answer. I never had any evidence of it at all. I tried to find out, but never could get any clue to anything he ever did. In fact, he furnished me with the best list of witnesses I had against the crowd, and that was what frightened them when they proposed to turn over these five men as guilty, if I would not carry the case further.

Question. But the proposition was to settle with you for your private damages, and he proposed to give you this note for $5,000?

Answer. Yes, sir.

Question You received that note?

Answer. Yes, sir; I have that note in my pocket now.

Question. You accepted the proposition that Pottle made you?

Answer. Yes, sir.

Question. And they were to go and see the governor?

Answer. Yes, sir.

By Mr. BECK:

Question. How much is paid on that note?

Answer. It shows on the back of it how much is paid. I have it here and will refer to it. I also have a copy published in a newspaper, which will show the same thing. The note is in the handwriting of Mr. Swain, the same man who has been dealing with me all the time, and the credits on it are in his handwriting. They have denied this fact, and I have published the whole thing in this newspaper. The note does not say "for damages." It says "for value received."

By the CHAIRMAN, (Mr. POLAND:)

Question. It is in the ordinary form of a promissory note?

Answer. Yes, sir.

Question. These payments were made afterward?
Answer. Yes, sir.
Question. You accepted this proposition of Pottle?
Answer. I accepted it.
Question. The investigation then stopped, and these five men were to go before some court and plead guilty of the offense, as you understood?
Answer. O, no, sir; they were not to plead guilty. I never understood it that way. I understood that they were to be guilty under the evidence as taken.
Question Did you understand that they were to go before some court and have a trial to see whether they were guilty or not?
Answer. No, sir.
Question. You understood, then, substantially, that they were to plead guilty?
Answer. Well, that Mr. Pottle was to——
Question. Plead guilty for them?
Answer. Yes, sir; that he was to go in court and state that these men, from this trial, and from the evidence then taken down, were guilty of that murder. That was my understanding.
Question. You did not understand that they were to go before some court and have a trial?
Answer. And be investigated again?
Question. Yes, sir.
Answer. No, sir.
Question. Thereupon this military court adjourned?
Answer. It adjourned until Major Terbett could go to Atlanta and see General Terry and Governor Bullock.
Question. See whether they approved the arrangement?
Answer. Yes, sir. If they did not approve it, there was to be no compromise.
Question. And you had already got this note for $5,000 for your damages?
Answer. Yes, sir.
Question. You have already stated that the next step in the proceeding was to get up a prosecution against you for bribery?
Answer. Yes, sir.
Question. How was that done?
Answer. They arrested me.
Question Right off?
Answer. Right off.
Question. Had this military officer gone?
Answer. No, sir. He never went to Atlanta at all.
Question. He was there, on the ground?
Answer. Yes, sir. I was then arrested by a military officer—by a lieutenant under him.
Question. The prosecution against you for bribery was a military proceeding?
Answer. Yes, sir, so far as I knew. I was arrested by a military officer.
Question. What bribery did they charge you with?
Answer. With having received this money.
Question. The $5,000 note?
Answer. Yes, sir.
Question That was the bribery?
Answer. Yes, sir. I made application then to be sent to Atlanta.
Question. On that charge?
Answer. Yes, sir. I thought if I could get to Atlanta and go before a military commission there, the whole thing would come before that military court. That was my object in wanting to go to Atlanta.
Question. They sent you to Atlanta?
Answer. Yes, sir, they sent me to Atlanta upon my request. I went to see my counsel there, and told them how the thing was managed. They went to General Terry and demanded the papers that had been taken down in this case, and upon that I was turned loose.
Question. You were discharged?
Answer. I was discharged, and I have never heard anything from it since.
Question. Have there been any further proceedings against any of those men in any form?
Answer. None that I know of.
Question. Did these parties who gave you this note make, subsequently, some payments to you upon it?
Answer. Yes, sir.
Question. How much, and when?
Answer. The note was given February 4, 1870. The payments indorsed upon it are as follows:

"Received on the within, fifteen hundred and thirty dollars, this February 4th, 1870.
"W. W. S.

"Received on the within, seven hundred dollars, February 15th, 1870.

"J.

"Received on the within, four hundred and fifty dollars, this February 19th,

"Received on the within note, five hundred and seventy dollars, this 28th of ary, 1870.

"T. M. BRO'

The date of the first indorsement must be a mistake; I know the money w some time afterward. The indorsement dated February 19, which has no sig is in the handwriting of P. M. Hill.

Question. These sums indorsed on the note were paid to you?

Answer. Yes, sir.

Question. And the balance of the note is unpaid?

Answer. Yes, sir. There is more credit on the back of the note by $10(than was paid. This money paid to me was deposited in Atlanta with some of mine.

Question. They sent the money up to you?

Answer. I deposited it there afterward. I expected that their whole object get me into a trap. I deposited this money; and the gentleman I deposited did not want me to give his name if it was not positively necessary.

Question. As fast as you received any money on this note you deposited it w gentleman; you did not use it?

Answer. I got this gentleman to keep it, with an understanding about this aff I did not use it.

Question. Do the signers of the note refuse to pay the amount that is still un

Answer. Well, I got a letter from Mr. Swain, the only man who is responsil W. Swain—stating that he could not pay it; that he had other creditors who h claims, and that if I wanted the money I would have to go to the other parti he did not state who the other parties were.

Question. The proceeding against those five men stopped right there, and yo got the $25,000 reward?

Answer. No, sir; I am figuring now for that.

Question. Did you ever go back to Warrenton after you went to Atlanta in cl the military authorities?

Answer. No, sir; I dare not go back; I would not consider my life safe fifteen n not only in the town, but anywhere in that section of country.

Question. Have you remained at Atlanta ever since that time?

Answer. Yes, sir.

Question. Do you know anything about the state of affairs in the county of W Have you kept yourself posted in relation to things down there?

Answer. Somewhat; it is only by hearsay.

Question. Do you see people from that county frequently?

Answer. Constantly.

Question. You endeavor to keep yourself informed in regard to the condition o there?

Answer. Pretty much; and the information I receive is undenied; and I su is true.

Question. What has become of this band of Ku-Klux down there?

Answer. They seem to be there yet.

Question. They have kept up their operations ever since?

Answer. Not so much so as they did, but a good deal.

Question. What have they done since that time?

Answer. I cannot state anything so as to call any one's name. There was an ex train came up the road from Augusta, and a good many from my county can Atlanta, and spent two or three days. They told me there had been a good whipping going on among them down there.

Question. Recently?

Answer. Recently; but I did not pay much attention to it at all.

Question. Has anybody been killed by this band since you came away?

Answer. About two months or more ago they killed a negro, right on the edg county—on the Hancock side of the Ogeechee River, which divides my cou Hancock.

Question. Do you remember his name?

Answer. His name was Will Culver.

Question. Did you know him?

Answer. Yes, sir; I knew him for years. I have heard a great many speak matter, and I have never heard it denied that a large crowd of men went to h at night, took him out, and shot him to death.

Question. Do you know whether he had been charged with doing anything v

Answer. No, sir.

Question. You never heard that he was?

Answer. At least not recently. Directly after the war there was a young man in Sparta, by the name of Steward, who seemed to have a difficulty about some of his family.

Question. Do you understand that this matter, which was some years ago, had any connection with the killing of this man?

Answer. I was going to tell you about the difficulty. Probably it may have had. I know what this young man told me some time afterward. They had a difficulty in some way about this colored man's family; I forget what the difficulty was. It caused words and a fight between this colored man and this white man, in which the colored man cut him with a knife—cut him across the face a time or two, very severely. The colored man then went off—left that county and went to Savannah. This young man Steward told me time and again that if the colored man ever came into that county any more he intended to kill him. About two months ago, or a little more—not long ago, anyhow—the colored man, it seems, came back into that county. He stopped on the river, in Hancock County. They found he was down there, took him out, and killed him; some one did it—I do not know who. I saw the scars on this young man's face.

Question. You infer that this former difficulty may have had something to do with the murder?

Answer. I do not know; I know the young man told me they intended to kill the colored man if he came back there.

Question. There were persons there who were hostile to him?

Answer. Yes, sir. Then again, about six weeks ago, on the same side of the river, in Hancock County, on Mr. Dixon's plantation, they went and killed a negro by the name of Wash Hull; I believe he used to belong to a man by the name of Hull. They took him out and killed him. He was an ex-slave. He lived close to me; he was raised in my county. I never heard any charge against him when he was a slave, or any other time.

Question. You do not know what they killed him for?

Answer. I have no idea at all.

Question. Do they keep up this system of whippings down there?

Answer. Those persons who came up a week or so ago to Atlanta told me that they were whipping a good many about through the country.

Question. Recently?

Answer. Yes, sir. I did not ask them as to names, because I was a little vexed, and told them the best thing they could do was to leave the country. They said they were not able to leave.

Question. Have a good many of the colored people who live down in that county left?

Answer. Yes, sir; a good many of them have been forced to go.

Question. Where did they go to?

Answer. A good many of them came to Atlanta; I believe some have gone to Mississippi, some to Louisiana.

Question. Have they left there in consequence of these disorders?

Answer. They have left there in consequence of this trouble—nothing else in the world. There are a good many there now who if they were able to leave and could leave safely would certainly do it. That is what they have told me.

Question. Did this band of disguised men kill any people in that county while you lived there?

Answer. O, yes, sir. As I stated, they killed Senator Adkins in the day-time—waylaid and killed him; shot him from ambush.

Question. Whether that was done by disguised men nobody knew?

Answer. He was going along the road. After our legislature adjourned he was rather dubious about going home; I advised him not to do so; I had heard parties say he would be killed if he ever came there any more.

Question. What was the objection against him?

Answer. The objection against him was that he would not vote to turn out the negroes; he voted for the negroes to stay in the legislature.

Question. He was senator from your county?

Answer. Yes, sir; he always lived in that county.

Question. What sort of a man was he?

Answer. A very clever man.

Question. Was he a man of respectability in every way?

Answer. Yes, sir, every way; he was a gentleman about your age.

Question. Was there any charge against him except with reference to his political course?

Answer. Not a thing. He was raised of a very respectable family there, and was quite a wealthy man before the war.

By Mr. COBURN:

Question. State the circumstances of his attempt to go home.

Answer. When he was about to leave Atlanta, when the legislature adjourned, I ad-

vised him not to go home; I told him what I had heard these people say; I was sat fied if he went there they would kill him.

By Mr. BECK:

Question. The Adkins case has been tried before the courts in Georgia?

Answer. No, sir; I can say positively it never has. Mr. Adkins went on, and wh he got to a place called Darien, on the Georgia road, he got off the train. His w had a horse and buggy there. She met him at Augusta and came over with hi They had taken the horse and buggy away—carried it off, and would not let him ha it to go home.

By the CHAIRMAN, (Mr. POLAND:)

Question. Who had taken the horse and buggy?

Answer. Some parties had taken his horse and buggy.

Question. Away from the depot?

Answer. Yes, sir; this is what his wife and others told me. They would not let h have his horse and buggy—carried it off. Some of these parties there (they we drunk) threatened several times to shoot him. There was a freight train came alo directly. He attempted to get on that train to go back to Augusta, and they wou not allow him to do it. After the train left, seeing there would be no chance for h to get away any other way, he started afoot on the road, he and his wife together; a they went on, I suppose, from what she told me, about a mile, or some such matt He then told her she had better go back and try to get his horse and buggy and co on and overtake him. She went back and he went on. It took her a good while l fore they would let her have the horse and buggy, and by that time he had got with about three miles of his home.

Question. Walking?

Answer. Yes, sir; and she was about half a mile behind him, coming with the ho and buggy, when she heard the guns fire that killed him. She said the parties pass her in the road, going on horseback, with their guns.

Question. Were they disguised?

Answer. No, sir.

Question. How many were there?

Answer. She said there were only two.

Question. These men on horseback passed her?

Answer. Yes, sir.

Question. She did not know them?

Answer. O, yes, sir; she knew them well.

Question. When she came up she found her husband dead?

Answer. Yes, sir; or at least nearly dead; he died directly.

By Mr. COBURN:

Question. Did he make any statement as to who killed him, or anything of that sor

Answer. He made statements; but he was wavering in his mind. He made two three statements. He knew who shot him, but his mind had become so that——

Question. His mind was wavering?

Answer. Yes, sir, so that he made two or three statements as to that. He first sa that a man by the name of Adams shot him, and then he said that a man by the nar of Lambert did it. So his wife told me.

Question. Were these the men she met?

Answer. Lambert was one of the men that passed her, and the other was a man l the name of Sturgis.

By the CHAIRMAN, (Mr. POLAND:)

Question. Were these men who came up on horseback among those who had be troubling him?

Answer. Yes, sir; they were among the men who had been bothering him at t station.

Question. The supposition is that the two men who passed Mrs. Adkins were tho who killed him?

Answer. Yes, sir; she is satisfied of that.

Question. About what time was that?

Answer. I cannot tell exactly; I think it was some time in the summer of 1869.

Question. Has anybody ever been prosecuted for the killing of Mr. Adkins?

Answer. No, sir.

Question. Has anybody ever been tried?

Answer. Nobody has ever been tried.

Question. While you lived in that county were there cases of killing by disguis men?

Answer. Yes, sir.

Question. Who was killed?

Answer. There was a party went out one night and attacked a family by the name of Jeffers—colored people.

Question. How far from town?

Answer. About four miles.

Question. About what time was that?

Answer. In 1869; in August or September, 1869, if I make no mistake; but I am not positive as to dates.

Question. What were the circumstances?

Answer. I only know a part as to what was stated.

Question. Give the account that you heard of the matter.

Answer. The man Perry Jeffers, when he came to my house next morning, told me he had been notified by a young man, a friend to him, that these Ku-Klux were going to attack him, and he said he had gone out and got some guns and prepared himself pretty well. He loaded these guns with buck-shot. He had some six or seven sons, all pretty much grown. Sure enough, these parties did come and attack him, as this young man had told him. Jeffers and his sons being up, on the lookout, when the party came into the yard they fired into them through the cracks. They lived in a log house.

Question. They fired into the crowd of Ku-Klux?

Answer. Yes, sir. They were all dressed in white. They killed a young man who lived right close to me, by the name of Geisland, who had a very respectable father—as nice a man as there was in the county, I thought. They killed his son, and wounded several others. The party went off. The next morning Jeffers came to my house, and told me what had occurred; that the Ku-Klux had attacked him, that he had had a fight with them, and that he had hurt some of them; he said he thought from the way they did that he hurt some of them. About the same time I heard that this young man, Geisland, had been killed, and other parties wounded. Jeffers and his family then became very much alarmed. That night (which was Friday, to the best of my recollection) these Ku-Klux came into town to hunt for this colored man and his boys.

Question. They had come into town?

Answer. Yes, sir; I had heard them talking in town during the day, stating that the last one would be killed—that they intended to kill them all. I put them in the jail: I had nobody in jail.

Question. You put this colored man and his sons in jail?

Answer. Yes, sir; I thought it would be a safe place for them; that probably it would not be known where they were, and that they could not be got out probably, if it was known. I put them in jail, and kept them there every night for a week; and those men never did find out that I had them in jail, so far as ever I knew. They were in town every night after them, and could not find them; so on the Sunday night following, these Ku-Klux went back to the place where this colored man lived. He had a sick son there—an invalid that had never been able to get about to do anything in his life from childhood up.

Question. He was left there at home?

Answer. Yes, sir; they could not carry him away, and his mother, a very old woman, was left with him. These Ku-Klux could not find any of the rest of the family there; so they took this sick son, dragged him out of his bed into the yard, and shot him to death. They carried out everything in the house, and piled it on him, and set fire to it, and burned his body up. They then took the bed-cord, and hung the old woman to a shade tree in the yard.

Question. Till she died?

Answer. No, sir. They left her hanging there; and a white man living on the place ran out and cut her loose, and got her into the house. He thought she was dead, as he told me; he did not expect her to live at all; but the next morning when he got up he found her not dead, but very much injured. She lived and is living now, so far as I know. I saw her afterward, and she had the signs of this hanging upon her. I sent the coroner out to hold an inquest on the dead body.

Question. The body of the son who was burned?

Answer. Yes, sir. Dr. Darden, who was afterward killed, was the physician who went out. They got a jury and commenced the inquest; and he told me that they would have proven the whole fact as to a good many parties who had killed and burned this boy and hung the old lady, but a good many of the Ku-Klux were there—not in disguise, but he knew they belonged to that organization. They told the coroner that he had to stop the inquest; that it had gone far enough; that it must be closed up; and the verdict was that the man came to his death from the acts of some unknown parties.

Question. You say that the father of this young man who belonged to the Ku-Klux and was killed lived right close by you?

Answer. Yes, sir.

Question. What did they do with the body of that young man?

Answer. They buried him.

Question. Did they have an inquest?
Answer. No, sir; none that I ever heard of.
Question. Was there a public funeral?
Answer. No, sir.
Question. Did they dispose of the body in some quiet and rather mysterious way?
Answer. They buried him at night. I never heard them say anything about burial; they would not talk anything about it; very little was said about it.
Question. There was no public funeral?
Answer. No, sir.
Question. You say that some were wounded in the attack on this colored m house; did you ever hear of any of the wounded men being seen?
Answer. Yes, sir.
Question. Who were the men who were wounded?
Answer. This man Jeffers, before they killed him, told me that they wounde young man by the name of Gunn, and two young men by the name of Mays.
Question. Did you hear of these men having received wounds in some way?
Answer. I saw them while they were injured.
Question. What account did they give of how they were hurt?
Answer. One of them said he had had the rheumatism for some time; various thi like that were said.
Question. They never declared publicly that they got their injuries in the way supposed they did?
Answer. No, sir; not at all.
Question. You say that Jeffers told you, before they killed him, of the wound of these young men; was he subsequently killed?
Answer. Yes, sir; they killed the whole family except two.
Question. How was that done?
Answer. I kept him in jail, as I stated, for about a week, and I then advised hi go to South Carolina; I told him they would be sure to kill him if he staid, and I vised him to go at night, and go through the by-ways, &c., till he got to Augusta, t to cross over and take the roads, but when he came to a plantation to go through fields. But a Bureau agent, R. C. Anthony, who was boarding at my house at the t thought that was a bad plan; he thought that the best plan would be for Jeffers t down on the cars in the day-time. He said the Ku-Klux would not dare to take hi the cars in the day-time. The colored man concluded to go, with his sons, in the time. I told Mr. Anthony that he had better go with him out to Camak, the junc with the main road. We have a railroad running right by the town, but the junc is four miles off. They took the cars at my place, and the Bureau agent went them and put them on board the train at the junction, in charge of the conductor.
Question. All of them?
Answer. Yes, sir. The conductor's name is Tom Turner. They then went on tow Augusta; and when they got to Dearing, the same place where Senator Adkins got the crowd followed up and took them all off the train, with the exception of youngest boy, who had got off the train to carry a trunk to the depot for a lady w the train stopped. They got the old man and five or six of his sons, and carried t out to the woods and shot them in the day-time.
Question Were the men disguised?
Answer. No, sir; at least, parties who told me of the facts said they were not guised.
Question. Has anybody been prosecuted for the killing of that whole family?
Answer. No, sir.

By Mr. COBURN:

Question. Were these men known there?
Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. What was the cause of the hostility against this family?
Answer. None that I ever knew of at the start.
Question. Did you know this colored family—the father and his sons?
Answer. Yes, sir; I knew them all.
Question. Were they respectable colored people?
Answer. Yes, sir; as respectable colored people as you will find anywhere. old man was one of the most industrious men I ever saw. He was a good farmer was making money.
Question. Was there any charge against them?
Answer. No charge in the world.
Question. Was anything pretended against them?
Answer. No, sir; nothing was pretended that I ever knew. The former owner of old man said he was as good a man as he had ever seen in his life. When a slav never had any trouble with him at all.

By Mr. COBURN:

Question. How far did these men live from Dearing?

Answer. Just twenty miles.

Question. Did the men who killed them live about Dearing, or back where the man and his family lived?

Answer. Some lived back; some got on the train at Camak, the junction; some at another place on the road, and the balance of the crowd lived at Dearing.

Question. They got wind in some way that these colored people were coming?

Answer. Yes, sir; there were spies all the time following right along. The old man, Geisland, the father of the young man who was killed, went down on the cars at the same time they did, and told some parties, who told me, that he intended to take a shot at the old rascal. He had his double-barreled gun with him, and he said he intended to have one shot at the old rascal.

By the CHAIRMAN, (Mr. POLAND:)

Question. Were there other persons killed in your county besides those you have named?

Answer. Yes, sir; a young man by the name of Jones ——

Question. A colored man?

Answer. No, sir; a white man—told me that he was with the Ku-Klux on one occasion; he said they forced him to go; that he did not want to go; he said they went and took out a colored man, whose name he told me, who lived near Jameson's schoolhouse, in Warren County, about nine miles from my town—he said they took out this colored man and gave him nine hundred lashes with saddle-stirrups.

Question Did they kill him?

Answer. Yes, sir; he died that night; they whipped him to death.

Question. What was that done for?

Answer. This man said he knew no cause for it.

Question. Did you hear or know of any?

Answer. No, sir; I never heard anything that the colored man was charged with.

Question. Are there other cases that you recollect?

Answer. There are other cases; I cannot call the names of the parties. At Bell Springs there was a man killed; I do not know his name.

Question. A colored man?

Answer. Yes, sir.

Question. How far was that from your town?

Answer. They call it just ten miles, I believe. At Mr. Fowler's there was a colored man killed; I cannot call his name; and at Mr. Long's there was one killed.

Question. Were they killed in the night-time by disguised bands?

Answer. Yes, sir; they were all killed in the night-time by these parties.

By Mr. COBURN:

Question. About how long ago?

Answer. In 1868. As to whipping, there has been any amount of that in Warrenton. There was a colored man killed by Wallace—just before Darden killed Wallace.

Question. Was it a band of men who did that?

Answer. No, sir; Wallace shot him. There was a crowd together, but he shot him himself. I do not think they were disguised; it was at night, though; I heard the pistol fired. About three weeks ago there was a colored man killed in Warrenton by a young man named Shirley.

By Mr. BECK:

Question. Was he in disguise?

Answer. No, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. I am inquiring particularly as to cases of killing and whipping by disguised bands.

Answer. The one that was killed was a brother of the one that Wallace killed.

Question. For what were those two brothers killed?

Answer. They were charged with being "very bad negroes."

Question. Did you know them?

Answer. Yes, sir; they lived within a mile of me.

Question. What were they charged with doing?

Answer. I never knew of anything they did; they said they were "very bad negroes."

Question. What does that mean—that they were a little smart and independent?

Answer. Yes, sir; that they were negroes who contended for their rights, and were not much afraid.

Question. Did you ever hear them charged with any crime—stealing, or anything of that sort?

Answer. No, sir; I never heard them charged with anything at all; only they said they were "bad negroes."

Question. Have you stated the fair meaning of that term "bad negroes?"

Answer. They call them "bad negroes" when they cannot control them as they w to. That is my understanding.

Question. It does not imply that they have committed crime?

Answer. No, sir.

Question. You have described with considerable particularity what was done in county; how was it in other counties around you; did things go on there in the s way?

Answer. In pretty much the same way.

Question. Were there the same organized bands of men going out whipping and ing?

Answer. Yes, sir—not the same men, but belonging to the same bands.

Question. An organization apparently of the same sort?

Answer. Yes, sir; of the same sort. I heard of their killing a good many dow Glascock County—quite a number; but I do not know anything in respect to th my own knowledge. I never heard it disputed at all.

Question. From your information, are these organizations now in existence an full blast?

Answer. It is my understanding that they are.

Question. Is there anything of this kind up about Atlanta?

Answer. No, sir; things are quiet about Atlanta. We have as much law and o in Atlanta as you have here.

Question. How is it in that county?

Answer. It is all quiet in that county.

Question. The law is enforced?

Answer. Yes, sir.

Question. If people commit offenses are they punished?

Answer. Yes, sir; they are punished, no matter who they are. Neither politics anything else has anything to do with it.

Question. You say that a great many negroes have left Warren County and g away?

Answer. Yes, sir; and the adjoining counties.

Question. Do you suppose that is true of all that region?

Answer. That is the cause of the whole thing, I am satisfied. There are Colum Wilkes, Taliaferro, Hancock, Glascock, Washington, and Jefferson Counties, with W ren right in the center. Those are where they have the most of this trouble.

Question. The counties you have named all lie in about the same region?

Answer. Right in that section of country.

Question. Does there seem to be any political flavor about all this? To what pa do the people who are whipped and killed belong? Against whom do the Ku-K direct their efforts?

Answer. Against Union men—republicans—men who are in favor of the Governm

Question. Do they call them "radicals?"

Answer. Yes, sir; they call them "radicals" down there.

Question. Does it appear to be universally the fact that the men whipped or kil belong to the radical party?

Answer. Yes, sir. They have had some few fights among themselves and kille few; but I have never heard of a man being taken out and killed by this band of guised men who belonged to any party except the republican party—what they the "radicals" down there. But there have been others killed. Now, in the Adk case, parties connected with that murder have been killed; they have been ki among themselves; three of the Adamses, I believe, have been killed.

Question. In feuds and fights among themselves?

Answer. Yes, sir.

Question. How many radicals belong to this Ku-Klux organization?

Answer. If there is one, I do not know it.

Question. Did you ever know one to belong to it?

Answer. No, sir.

Question. Did you ever hear of one?

Answer. No, sir.

Question. How is this matter talked about? What do the radicals think of t organization?

Answer. Well, I do not know hardly what they do think about it.

Question. How do they talk about it?

Answer. They are thinking or hoping that the Government will do something for th

Question. Do they think it is a political organization?

Answer. Yes, sir.

Question. Are they in favor of that organization?

Answer. No, sir; they want it stopped.

Question. Are they all opposed to it?

Answer. Yes, sir.
Question. Do they denounce and speak against it?
Answer. Yes, sir.
Question. How is it with the other side?
Answer. They all say it is a good thing.

By Mr. COBURN:

Question. What do they think it is good for?
Answer. They say it keeps the radicals out, and keeps the negroes under subjection, and everything of that sort.

By the CHAIRMAN, (Mr. POLAND:)

Question. They entertain an entirely different opinion from the radicals in reference to the worthiness of this order?
Answer. O, yes, sir.
Question. From what you have seen and heard, and from the facts you have stated, what is your idea as to the purpose of this organization?
Answer. Well, I can only speak for Georgia, but I suppose the case is the same in the other States; I think their purpose is to control the State government and control the negro labor, the same as they did under slavery.
Question. How is this Ku-Klux organization going to operate to enable them to do that?
Answer. Well, they will prevent voting; they will prevent any republican from holding office. They say in my section of the country that no republican shall hold office; that they will take charge of the polls, and all those who won't vote their way shall not vote at all. That is their declaration. They want to control the negro, just as they once did. Whenever a negro does not obey as they want him to they will just say to him, "I will send the Ku-Klux to see you," and that night or some time soon the Ku-Klux take him out and whip him; sometimes they whip him to death, and sometimes they give him a very severe whipping and tell him that that is a warning to him; that if he don't obey, they will finish him the next time they come.
Question. So far as you know, what is the feeling among the colored people in respect to these Ku-Klux?
Answer. Well, sir, the negroes want it stopped.
Question. Are they in mortal terror from the operations of this organization?
Answer. Yes, sir; they want it stopped. They have more fear of it than they ever had of anything during slave-times, so far as I ever saw.
Question. If an election were to be held now, while these organizations are operating, do you believe that a great many of the colored people would be prevented from voting?
Answer. I do not believe that half of them could vote.
Question. You have named a great many cases where persons have been killed, and a great many where they have been whipped. Has anybody been punished for all this?
Answer. No, sir.
Question. Has anybody been prosecuted?
Answer. No one, that I know of. Nobody has been punished any more than what I have done myself, as I have stated.
Question. Do you believe that in the State courts in those counties these men could be tried and punished?
Answer. No, sir; I do not.
Question. Are people afraid to prosecute them?
Answer. They are afraid to prosecute them.
Question. Are people afraid to testify against them?
Answer. They are afraid to testify against them. I can say as truthfully as I can say anything in the world, that a man cannot go there and testify against one of them and live twenty-four hours. I honestly believe that.

By Mr. COBURN:

Question. Is the effect of this organization to prevent negroes trading freely in land or other property?
Answer. I cannot say that it is intended for that.
Question. What is the effect of the organization in respect to negroes trading in lands or other property?
Answer. People will not sell them any land except in town. Some of them did buy some little property about the edge of the town, but they have bought none in the country. People will not sell them any land to farm.
Question. What do they say or do in regard to that matter?
Answer. They say that the negroes shall not own any land, and that they will not sell them any.
Question. Is that carried out in practice?
Answer. Yes, sir; they carry that right out.

Question. Do you know of any negroes who have farms?
Answer. No, sir; none at all.
Question. What reason do people give for that policy?
Answer. They say that the negroes shall not own farms at all.
Question. How about schools?
Answer. They had in my town a small school at one time. I do not know whether they have had any school there for the last year. I never heard anything said about the school recently. The last I heard of the school was that they had whipped the school teacher very severely, and that he had quit. I do not know whether they have had any school there since that.
Question. State whether the negroes have been guilty of violating the rights of the whites, or are hostile and aggressive toward the whites?
Answer. Not so far as I have seen.
Question. What is their demeanor?
Answer. They are perfectly humble and obedient—as much so as I ever saw them during slave times.
Question. Statements have been made here that the negroes are dishonest; that they steal pigs, chickens, &c.; that they commit rapes and generally create disorder in the country. State whether or not that is the case in the district with which you are acquainted.
Answer. I cannot speak of my own knowledge——
Question. How is it in the community where you are acquainted?
Answer. I do not of my own knowledge know any case of stealing by the negroes to any extent at all. While I was in office as sheriff I never had a warrant in my hands to be executed against one of them for stealing.
Question. How is it as to rapes and other crimes?
Answer. I have never heard of a negro committing rape in my county.
Question. Is it safe for white women to travel from one place to another?
Answer. Yes, sir; perfectly safe. I have heard of one or two cases where they said a negro had committed a rape upon a white woman. One of the cases was in Jefferson County. That was when this organization was started. I believe it was in 1866. There was a negro accused of raping a white girl. I never heard her name. They said she was about sixteen years of age. They caught that negro, tied him to a stake, and burned him in the day time before, I suppose, a thousand people.

By Mr. POOL:

Question. Did they burn him to death?
Answer. Yes, sir.
Question. When was that?
Answer. In 1866. They never had any trial, or proof, or anything of that sort, and they never gave the name of this girl, so far as I ever knew.

By Mr. COBURN:

Question. What was the reason they did not give the name of the girl?
Answer. They did not want her name to be known.
Question. Did they examine her before any sort of tribunal, official or unofficial?
Answer. No, sir, not that I heard of; I do not know that she told it. The parties said that the negro had raped a certain girl, without giving any name.
Question. Where did that happen?
Answer. In Louisville, Jefferson County. A young man who lived in Atlanta told me that he was standing by and saw the whole thing done.
Question. What was his name?
Answer. W. M. Neal.
Question. State whether any greater degree of outlawry exists among the negroes than among the whites?
Answer. Not near as much. The negroes are obedient and law-abiding.

By Mr. BECK:

Question. When were you elected sheriff of that county?
Answer. I think it was in April, 1868.
Question. At the time Governor Bullock was elected?
Answer. Yes, sir.
Question. Were you elected by the people?
Answer. Yes, sir.
Question. How many white votes did you get?
Answer. It would be utterly impossible for me to answer that question.
Question. About how many do you think?
Answer. I cannot tell about how many.
Question. Did you get a dozen?
Answer. No man could answer that question; but I will come as near answering it as I can. From the effort that was made by the most influential whites in the county,

and who were my bitter enemies on account of the election, and from the number of negroes whom I was satisfied they had bought up to vote against me and to vote for themselves, I think that I got at least between two and three hundred white votes; I think that if it had not been for that number of white votes I could not have been elected.

Question. What is the population of Warren County?

Answer. The voting population before the negroes voted was from nine to eleven hundred.

Question. What is it now?

Answer. At that election eleven hundred and some odd whites voted, according to my recollection, and thirteen hundred and some odd negroes.

Question. What was your majority for sheriff?

Answer. About six hundred.

Question. You complained that certain gentlemen refused to sign your bond when you were elected?

Answer. I did not complain; I said they did not do it.

Question. You told the committee that they refused to do it?

Answer. Yes, sir.

Question. Were they under any obligation to sign your bond?

Answer. Not that I know of particularly.

Question. What was your object in telling the committee that, as a part of the complaint against the county, if those men were under no obligation to sign your bond?

Answer. They were friends of mine, as I thought, and I went to them as such, and asked them to sign my bond. I thought they were rather conservative; I thought they were not opposing the Government in any way, and I thought for that reason they might sign my bond. I approached them on that subject, and they made the proposition to me that I stated. I refused to accept the proposition, as I thought it an unfair one, and I said no more about it.

Question. Give the names of those men who made the proposition, and state the proposition that was made.

Answer. The principal man was W. H. Pilcher.

Question. Is he still living there?

Answer. Yes, sir.

Question. Who else?

Answer. He is the only man I went to in person. He went to see the two Mr. Wellborns.

Question. State the proposition they made to you.

Answer. Dr. Pilcher stated the proposition. He said that if I would write a letter declaring myself for Seymour and Blair, he thought he could go on the bond, and that the two Mr. Wellborns would go on it. I told him that I thought I could get my bond without doing that; that there were some gentlemen who promised me to go on my bond before I was elected if it was necessary for them to do so in order for me to take possession of the office.

Question. And these men who had promised you beforehand did afterwards go upon your bond?

Answer. Yes, sir.

Question. Why did you go in the first place to Doctor Pilcher and the Wellborns, instead of the men who had promised you beforehand to do so.

Answer. Well, there were circumstances why these friends of mine did not want to go on the bond; but they said that in the last resort they would do so.

Question. Was it any special ground of complaint against the men you have mentioned that they refused to go on your bond?

Answer. O, no, I thought it was perfectly right. I made no complaint.

Question. What was your object in setting forth that matter in your direct examination? You were not asked by the chairman anything about it.

Answer. I would like to have the reporter read the question that was put to me by the chairman, and the answer which I gave. [The evidence referred to was read by the reporter, as already given.] The chairman asked me to give a history of affairs at that period, and the feeling of the people at that time. My object in making the statement I did in reply to that question was this: The people, since my election, since I turned "radical," as they term it, denounce me as a scoundrel; previous to that they looked upon me as being a gentleman. Dr. Pilcher and these two gentlemen named Wellborn had rather intimated that if I was elected they would sign my bond; and I wanted them to sign it, as they were not so radical as others were. I wanted, as far as possible, to go before the people with the same respectability that I had always had—not saying that the men who did sign my bond finally were not gentlemen; they were just as much gentlemen as the others. But they were denounced, as I afterward was, as scoundrels, for political opinion alone.

Question. At that time what property had you in the county subject to execution?

Answer. I had three houses and lots in the town of Warrenton.

Question. Worth how much?

Answer. Not worth much; I suppose the whole of them were worth probably [redacted] couple of thousand dollars.

Question. Had you any other property?

Answer. No, sir, except notes, accounts, &c.

Question. Your whole visible estate subject to execution in the county was worth [redacted] about $2,000?

Answer. Yes, sir.

Question. What was the amount of your bond as sheriff?

Answer. Twenty thousand dollars.

Question. You had the taxes of the county to collect as well as executions that came [redacted] into your hands?

Answer. I did not have anything to do with collecting the taxes.

Question. Who collected the taxes?

Answer. The tax collector and receiver.

Question. Is that a separate office in Georgia from the office of sheriff?

Answer. Yes, sir; there are two separate offices connected with the tax business.

Question. You gave your bond and entered upon the duties of your office?

Answer. Yes, sir.

Question. Who was the judge of your circuit?

Answer. Judge Garnett Andrews.

Question. A republican or a democrat?

Answer. A republican.

Question. A good judge or a bad one?

Answer. Well, sir, he was a very good judge. He had been a judge there during t[redacted]he war, and he made a very good judge. He is a very nice gentleman. He is a go[redacted]od judge; but like all the balance of the public officers, he could not do anything in th[redacted]se matters.

Question. Who is the prosecuting attorney of your county?

Answer. Mr. Matthews—I cannot state his first name correctly—is our solicitor.

Question. Is he a democrat or a republican?

Answer. He is called a republican.

Question. Who is the clerk of your circuit court?

Answer. R. M. Wilder.

Question. Is he a democrat or a republican?

Answer. He was elected on the republican ticket. He has nothing to do with polit[redacted]ics at all. He is a quiet man.

Question. So that your judge, your prosecuting attorney, your clerk, and your sher[redacted]iff were all republicans?

Answer. Yes, sir; all the officers in the county were elected on the same ticket wi[redacted]th myself.

Question. And these officers continued in office as long as you continued to hold t[redacted]he office of sheriff?

Answer. Yes, sir.

Question. And they were all elected as republicans at the same time you were electe[redacted]d?

Answer. Yes, sir; they were elected on the republican ticket; I did not say that th[redacted]ey were elected as republicans.

Question. Are they all republicans?

Answer. I do not say that they are.

Question. Are they democrats?

Answer. I think they are.

Question. Which of them are democrats?

Answer. All of them.

Question. Have they all turned since?

Answer. They were democrats then.

Question. Do you mean to say that all of these men deceived the people by preten[redacted]d-ing to be republicans, and were elected upon the republican ticket when they were [redacted] in fact democrats?

Answer. I do not think they did.

Question. Did they profess to be democrats when they ran on the republican ticke[redacted]et?

Answer. Yes, sir.

Question. Did they so avow themselves?

Answer. Yes, sir.

Question. Did democrats run against them on the democratic ticket?

Answer. Yes, sir.

Question. And you think you were the only genuine republican elected—the on[redacted]ly man on either side who called himself a republican?

Answer. The only man who stuck to it.

Question. You were the only man at that election who called himself a republican [redacted]?

Answer. No, sir.

Question. Did the judge call himself a republican at that time?

Answer. He was not elected; our judges are appointed by the governor and approved by the senate.

Question. Is the judge a republican still?

Answer. I think he is if he could speak the sentiments of his conscience.

Question. Did the prosecuting attorney, Mr. Matthews, run as a democrat on the republican ticket?

Answer. He got his office in the same way as the judge.

Question. Was he appointed by the governor?

Answer. I think so.

Question. You stated they were elected at the same time as yourself?

Answer. I do not think I said they were elected. The judge is appointed by the governor and approved by the senate, and so is the solicitor.

Question. And they are still republicans?

Answer. I cannot say as to their acts now. I can only say what I believe they would be if they were allowed to speak their opinions freely.

Question. Is Mr. Wilder, the clerk, a republican or a democrat?

Answer. He is a man who does not deal in politics at all.

Question. Was he elected at the same time as yourself?

Answer. Yes, sir. He was nominated both by the republicans and the democrats the last time, and was reëlected to office.

Question. So that the machinery of your courts during all your term of service was under the control of the republican party?

Answer. I do not think the republican party had any control. These officers were, as I said, republicans in feeling; they made no demonstrations at all; they were just moderate and honest men—men willing to abide by the law and support the Government.

Question. Did you make any more demonstrations than they did?

Answer. No, sir.

Question. How many courts were held while you were in office?

Answer. One.

Question. Only one?

Answer. Yes, sir.

Question. When was that held?

Answer. In October, 1868.

Question. Did any of those offenses of which you have spoken occur after you came into office and before your court was held?

Answer. Some of them.

Question. Which?

Answer. The one in particular which I can mention from a circumstance that I have never forgotten, is the case of the negro who was whipped to death near Jameson school-house. That occurred on Sunday night and the court met on Monday.

Question. That was done by disguised men?

Answer. Yes, sir; for one of the party that was along told me they whipped the negro to death.

Question. Was he a white man?

Answer. Yes, sir.

Question. When did he tell you that; before the court was held?

Answer. No, sir; since. Another circumstance which I remember is, that some one wrote me a letter (no name was signed to it) stating that this colored man had been whipped to death, and telling me that I ought to bring the matter before the court. The letter told me to notify Judge Andrews, (the writer of the letter seemed to know him,) and to send the coroner down to hold an inquest. The letter gave me the names of some witnesses who would swear to the facts as to the parties that whipped the negro to death. I went to the coroner and told him the circumstance. He did not go down. I went to the solicitor, Mr. Matthews, when he came, and showed him the letter; I also showed it to the judge.

Question. Were any of those named in the letter summoned there?

Answer. No, sir, none at all.

Question. Was the letter laid before the grand jury?

Answer. I never heard anything more of it; nothing was done about it.

Question. Did you go before the grand jury and communicate the facts which had come to your knowledge, and lay before them the letter you had received?

Answer. No, sir; it was not my business.

Question. You were sheriff of the county; why was it not your business?

Answer. Because I could not be a witness; the facts had not come to my knowledge; I had nothing but the report.

Question. Could you not have laid the letter before the grand jury?

Answer. That was none of my business; it was the solicitor's business, or it was the judge's business to order the solicitor to do it; and it was his business to issue a summons for the parties whose names were given in the letter.

Question. You did not do it yourself?
Answer. No, sir.

By Mr. COBURN:

Question. You gave the letter to the prosecuting attorney?
Answer. Yes, sir.

By Mr. BECK:

Question. When were you shot?
Answer. In November, 1868, I think; I cannot be precise as to dates.
Question. When did you leave the county of Warren for the last time to remove to Atlanta?
Answer. I am not certain, but think it was June, 1870.
Question. More than a year ago?
Answer. Yes, sir.
Question. Have you been back in Warren County since?
Answer. I have not.
Question. Have any of the cases of killing which you have mentioned occurred since the 1st day of January, 1870, or within the last eighteen months? If so, which of them?
Answer. The case that I mentioned of a man killed on the Hancock side of the Ogechee River——
Question. I am speaking of the county of Warren. If any of the cases you have mentioned as occurring in that county have happened since January, 1870, I want you to state it.
Answer. I do not know that any case I have mentioned where any man was killed in the county has occurred since I left there, except the one that was killed in Warrenton about three weeks ago.
Question. That was a fight, I believe; there were no disguised men concerned in that case?
Answer. No, sir.
Question. That occurred in broad daylight?
Answer. No, sir; it was in the night.
Question. There was no disguise in that case?
Answer. No, sir.
Question. And the conflict was between two men only?
Answer. There was no one concerned, I believe, except the two men; other parties were standing looking on.
Question. Has there been any case of killing by disguised men in the county of Warren since the 1st of January, 1870? If you know of any such case I want you to state it, and if you do not know of any, I want you to say so.
Answer. As a matter of course I do not know, because I have not been there.
Question. Have you heard of any?
Answer. I cannot name a case now that I have heard of positively. If the evidence is to be read over to me, I may recollect something about that matter and insert it.
Question. State now what you know; we want no patching up of the evidence afterward.
Answer. I do not recollect now having stated that I knew of any being killed there within that period.
Question. So that the cases you have spoken of as occurring in the county of Warren, occurred prior to January, 1870?
Answer. All the cases I have stated of men being killed occurred, according to my present recollection, before that time.
Question. The case of the attack on yourself was in November, 1868?
Answer. Yes, sir.
Question. What was the date of the killing of Dr. Darden?
Answer. That was in March, 1869; I recollect that distinctly.
Question. And of the other cases, some were as early as 1867, I believe?
Answer. I do not think I have stated any case of killing in 1867; I do not recollect now positively that I did.
Question. The shooting of yourself by the Codys—did you call that a Ku-Klux case?
Answer. I understood that they were disguised; I looked upon it as a disguise.
Question. They had nothing over their faces, but merely something thrown over their heads?
Answer. They had about a yard of cambric.
Question. Their faces were not covered with it?
Answer. It was tied over their faces in a kind of bonnet fashion; and when they were looking right straight at me, and when their guns fired, I could discover their faces by the flash of their guns.
Question. Their faces were undisguised?
Answer. Yes, sir; but their heads were muffled up with this cambric.

Question. There were three of those men, you think?

Answer. I saw three. There appeared to be a dozen when they commenced running. There were three who shot at me.

Question. What quarrel had you had with them before that?

Answer. I had had previous to that some difficulties with them.

Question. What was the character of those difficulties?

Answer. I had been attacked a time or two; in fact I was attacked by one of them one day. I had an execution against one of them in my own right, and I went to have that levied upon some property that he had sold. He came out and attacked and abused me a good deal about it. I gave him a kick; that was all; he went off. He was armed. They had attacked me several times and abused me for being a radical.

Question. The Codys had?

Answer. Yes, sir; a whole crowd of them when they would be drunk. In fact they attacked myself and Senator Adkins in a show there; and I thought they were going to kill us both. There were some dozen of them—they and some other parties.

Question. You never came to blows with any of them except the one you kicked?

Answer. No, sir.

Question. Which one was it you kicked?

Answer. That was a Cody; but none of these I have named.

Question. And that was the extent of your quarrel with this Cody family, three of whom you think shot you?

Answer. Yes, sir; I never had any quarrel. I never quarreled with that man. He abused me a good deal and I kicked him. I never passed any words with him.

Question. I believe you said that on the night when you were shot you had been out in the country arresting somebody?

Answer. No, sir; I said I had been out in town on duty connected with my office.

Question. Do you remember what duty you were doing that night?

Answer. I cannot state it positively. But I know there was a man down there from New York, on some business; I cannot give his name, and I cannot state his business; but I know I was with him until between 10 and 11 o'clock. Generally after going home at night to my supper I did not go out again. I was afraid to go out at night. Being engaged with this gentleman on that business, I had rather forgotten myself. I am satisfied, since I have been shot, that those men had waylaid me several times on the same street, to shoot me. When out at night I always went home in company with other parties, mostly with Mr. Wellborn, and that prevented me from being shot. I am now satisfied of that because I had heard noises in that same locality. When I was shot I had some parties go down, (Dr. Darden was one,) and examine the ground, and he said it was trampled a good deal; he said that alongside the fence where they shot, the ground looked as if people had been tramping about there for a considerable time.

Question. Because of the trampled condition of the ground you came to the conclusion that that was a place where they had been in the habit of trying to waylay you?

Answer. Yes, sir. I had heard a noise there before when I was going home in company with Mr. Wellborn and other gentlemen that lived in my part of the town. I am satisfied that those men had been waylaying me there before. On one night in particular I heard a noise, and I thought there were calves over in the lot. I went next morning to the gentleman who owned the lot, and told him that I thought I heard some calves the night before in his patch, and that he had better go and see to it. He went and reported that there was no chance for calves or anything of that kind to get in. I am satisfied now, in my own mind, that these parties or some others were waylaying me there at that time.

Question. You say that those men who took Dr. Darden out of jail were disguised?

Answer. Yes, sir; I saw them when they came to my house.

Question. Have you ever seen any disguised men except those who shot you, and those who killed Dr. Darden?

Answer. Yes, sir.

Question. When and where?

Answer. I have seen them there in the town.

Question. When?

Answer. I have seen them there the latter part of 1867, and in 1868, and up to the time I left there in 1869.

Question. What were they doing when you saw them?

Answer. They seemed to be organizing and preparing to go into the country; and generally when they left and went into the country I heard the next day of outrages, whippings, &c., by some unknown parties.

Question. Were these disguised men riding or walking?

Answer. Riding.

Question. Did you see them in the day-time or at night?

Answer. Always at night.

Question. Did they come by your house or did you see them when you were out in the street?

Answer. They have come by my house and I have seen them in the street.
Question. In bands?
Answer. Yes, sir.
Question. How many together?
Answer. Well, I have seen from twenty to fifty.
Question. In the streets of Warrenton?
Answer. Yes, sir.
Question. When did you last see such bands of men there?
Answer. I think the last crowd I saw was in February, 1869—no, I am mistaken; I believe the last that I saw that I can now call to my attention was on the night that they went out to kill and burn the son of old Mr. Jeffers.
Question. When was that?
Answer. In 1868, I believe.
Question. The last you saw of them was about that time?
Answer. Yes, sir; I believe that was the last I can recollect. I saw some men organizing that night in town. Myself and another gentleman were together. I have seen so much of these things and have been through so much that it is impossible for me to state positively the times. That night myself and a gentleman by the name of Dr. Walker, who married a cousin of my wife, were standing talking together. These men came in, quite a number, into town. They were apparently organizing in a certain place. They were not disguised at that time. They came in and put their horses in the livery stable. He and I stood and watched them for a time, and he said to me, "Those men are up to something; there is going to be something done, and I would advise you to go home; I don't believe it is safe for you to be out here." I told him I did not think it was either, and that I would go home. He said he would go home, and I think he did. From where we were I had to go by the court-house; and I stopped in the court-house yard some time until these men had put on their masks and got on their horses and started in the country. I did not see which way they were going. The next morning I heard of this colored man being shot and burned.
Question. It was in March, 1869, that Wallace was killed by Darden?
Answer. Yes, sir, I believe so.
Question. Was the killing of Wallace in open day?
Answer. Yes, sir; at 9 o'clock in the morning; so they told me.
Question. You were at that time out in the country arresting some one?
Answer. Yes, sir.
Question. In a rape case?
Answer. Yes, sir.
Question. Were you ordered to go there by a Mr. Pottle, a lawyer of the town?
Answer. Yes, sir; he was the prosecutor and the man who wrote out the warrant for the parties.
Question. When you came back you found that Wallace was killed?
Answer. Yes, sir.
Question. Wallace had threatened Darden?
Answer. I understand so.
Question. But had confined himself to publishing him in the paper?
Answer. Yes, sir; he had published him in the paper.
Question. According to what you have heard was Wallace at the time he was killed making any demonstration on Dr. Darden?
Answer. None at all; so parties told me; he was walking along the street.
Question. Unarmed or armed?
Answer. Armed with a pistol: so the gentleman told me who saw Darden when he shot Wallace.
Question. He told you that Wallace had a pistol?
Answer. Yes, sir.
Question. He was making no attempt to use it?
Answer. None at all.
Question. Darden shot him with a double-barreled shot-gun?
Answer. Yes, sir.
Question. Were they on the same side of the street or on opposite sides?
Answer. On the same side of the street; Darden's office was on the second floor, right on the corner, and there were some steps that went up to it; it was a low building; I suppose the platform that went into his office was about eight feet high from the street; he was in his office when he saw Wallace coming on the street, right in front of his office; he walked out on that platform——
Question. Eight feet above him?
Answer. Yes, sir; and shot him from there; the first time he did not throw him, so the gentleman told me, who was standing at the court-house, where he could see; he struck him somewhere about the shoulder; and Wallace then put his hand to draw his pistol; then Dr. Darden ran down the steps, and shot him in the head.
Question. Wallace had made no effort to draw his pistol till after he was shot?

wer. This gentleman did not tell me he had.
uestion. Is it known that Wallace saw Darden before he received the first shot?
wer. This gentleman who told me said that Wallace could not help seeing him—
l not come along without seeing him, because he came right along in full view;
id that he saw them both, and that Wallace was bound to see Darden—could not
it; I asked him that question particularly.
estion. Darden was eight feet above Wallace, on the platform?
wer. Yes, sir; and Wallace was coming along—I suppose twenty feet in front of
hen he was shot; in fact, the gentlemen told me where Wallace was standing.
stion. Wallace was shot when he was making no resistance and no attack, as you
stood?
wer. Not that I know of.
stion. Was not that regarded by people there as a cold-blooded assassination?
wer. I do not know how they looked upon it at all.
stion. Did you not understand that everybody regarded it as an assassination,
ut giving a man any chance at all?
wer. I do not understand it that way.
stion. How did the people regard the conduct of Darden in shooting Wallace under
circumstances?
wer. The people that belonged to Wallace's Ku-Klux crowd (Wallace was captain
company there) looked upon it as an outrage—a willful murder or assassination,
did not; numbers of others said that they did not blame Dr. Darden; that they
satisfied Wallace would have killed him, and intended to kill him; I, myself,
shoot you or anybody else if I was satisfied that you had said what I understood
Vallace had said in regard to Darden, because I would expect you to kill me, and
ld kill you in self-defence; that is my understanding.
stion. You would do that without giving any show at all to the man you shot,
ithout waiting for any demonstration to be made?
wer. I would not waylay you, but I would meet you on the street and shoot you
st time I saw you. I think if a man is justifiable in anything, he is justified in
ing of that kind.
stion. You believe in redressing grievances without going through the forms of

wer. I do when a man makes a declaration of that kind; but I believe in law and

stion. Still you would go out and shoot a man on the street who had made a threat
it you?
wer. A man who had threatened he would kill me?
stion. Yes, sir.
wer. I certainly would; and I think any man else would do it.
stion. You think that the conduct of Dr. Darden in killing Wallace in the way
ave described was entirely justifiable?
wer. If the information I have received be true, it is, if anything in the world
be justifiable; and Wallace being known as a murderer himself would be a
reason for so doing, and the fact of his being known to belong to that organiza-
It was his own declaration that he commanded the company that went out and
and burned this negro. That was his own declaration.
stion. Made to whom?
wer. Made to Mr. Jones, the day before Dr. Darden killed Wallace. Mr. Jones
ie so in the presence of another gentleman.
stion. That night when, as you stated, the taking out and killing of Dr. Darden
ed, you started to Atlanta?
wer. No, sir; I went to Augusta that night.
stion. And you went from Augusta to Atlanta?
wer. Yes, sir.
stion. After you got to Atlanta you applied for soldiers and got them?
wer. I got them before I went back, but it took some time to do it.
stion. You took them with you?
wer. No, sir; they went down and I remained at Atlanta for some time afterward.
stion. They were at Warrenton when you got there?
wer. Yes, sir; and I took a guard of soldiers with me when I did go.
stion. And sent some in advance?
wer. Yes, sir.
stion. And when you got back you commenced arresting men?
wer. Yes, sir.
stion. How many did you arrest?
wer. I cannot state positively. I think I arrested two or three, or four or five; I
know positively now, there have been so many ins and outs, and everything
t sort; but I know I did arrest some and put them in jail.
stion. You arrested them by the aid of the soldiers?

Answer. I arrested them myself, but I carried the soldiers with me.

Question. From whom did you get the warrants for their arrest?

Answer. I think the warrants, when I went down the first time, were issued by Smith, a notary public in Fulton County. I got the warrants in Atlanta before I w down, and had them with me when I went.

Question. They were issued by a notary public?

Answer. Yes, sir.

Question. Why did you not have them issued by your own judges or justices?

Answer. They were not convenient, and the other answers the same purpose in State.

Question. Those warrants were issued in Atlanta?

Answer. Yes, sir.

Question. Upon your affidavit?

Answer. Yes, sir.

Question. Where are your affidavits and warrants now? What officer has them?

Answer. I cannot tell you.

Question. Did the notary public give the warrants to you to execute?

Answer. Yes, sir.

Question. Did the authority of the notary public in Atlanta to issue warrants arresting people, reach all over the State?

Answer. For those crimes.

Question. For the crime of murder or any other crime?

Answer. Not "any other crime." I say for those crimes.

Question. For the crime of murder?

Answer. Yes, sir; that is my understanding of the law.

Question. The law of Georgia or the law of the United States?

Answer. The law of Georgia.

Question. Can a notary public of a county, under the law of Georgia, issue his w rant for a murderer anywhere and send it to any part of the State?

Answer. Yes, sir, that is my understanding. In other words I will answer it in way: If a murder was committed, and I knew the fact, and wanted to take ou warrant and prosecute the parties, then wherever I might find a notary public or tice of the peace, or any officer in our State authorized to issue warrants, I could g him and demand a warrant, by giving the name of the party that committed crime, the name of the party killed or injured, and the county that it was done in could swear out a warrant and give it to an officer and have the party arrested a where in the State. The party can then go before any of these officers in any cou in the State, and, if it is a bailable case, give bond for his appearance before the c having jurisdiction to try the case in the county where the crime was commit That is our law.

Question. The only warrant you had was the warrant issued by the notary publi Atlanta?

Answer. Yes, sir.

Question. With that you went down and arrested the men?

Answer. Yes, sir.

Question. To whom did you return what you had done, before what officer? [W ness hesitates.] To whom did you make a return of the arrests you had made?

Answer. I made no return at all, except on the warrant. The return is always n upon the warrant.

Question. To whom did you make that return?

By the CHAIRMAN, (Mr. POLAND:)

Question. Before whom did you bring the men?

Answer. I made the return on the warrant, that I had arrested so and so, and date

By Mr. BECK:

Question. Before whom did you return those men?

Answer. I think that I returned them before Mr. Gibson, a notary public in Wa County, where the crime was committed.

Question. That is your recollection?

Answer. Some of the parties, when I arrested them, I carried before Gibson an attested their bonds. Some of the parties sued out writs of *habeas corpus*. Writs of *ha corpus* in my State always come before the ordinary process. Some parties give b before the ordinary and some before the notary public in the county.

Question. You think you returned all these warrants before a man named Gibs notary public—you returned the warrants with the returns upon them to him, sta what you had done with the men?

Answer. No, sir, these men were brought before him.

Question. By you?

Answer. Yes, sir; and he approved the amounts of their bonds. As for the warra

I could not say who has them. According to the best of my recollection, they were left with my papers in my office.

Question. Did you return them to Mr. Gibson?

Answer. No, sir; Mr. Gibson had nothing to do with them.

Question. Who had?

Answer. The warrants belonged to me or to the sheriff's office.

Question. And the returns are made on the warrant of arrest?

Answer. Yes, sir.

Question. Did you not take the warrant with the return to some officer to deliver it with the prisoners?

Answer. No, sir.

Question. You kept it?

Answer. Yes, sir.

Question. You think you kept the warrant in this case yourself?

Answer. Yes, sir.

Question. How did you get these men before the military?

Answer. I never got but one before the military.

Question. Who was he?

Answer. A man named Martin. After all this trouble that occurred with these parties—when I had got all the information, as I thought, that would convict the parties of the killing of Dr. Darden, I went to Atlanta and saw General Terry. When I arrested certain parties, I had then my plan all laid, if General Terry would suspend the writ of *habeas corpus* in their cases upon my application. He told me to go back and make the arrest; he did not say he would or would not do what I requested him; he told me when I made the arrest to report the case. I went back and in about a week I made the attempt to arrest these parties. I only got one of them. That was Martin. I informed General Terry that I had arrested a man by the name of Martin, charged with aiding in the murder of Dr. Darden and with being a jail-breaker in that murder, stating that I was satisfied that two-thirds of that community were Ku-Klux and that no justice could be had in the civil court, and I asked him to suspend the writ of *habeas corpus*. As soon as I had arrested the man, Mr. Pottle served a writ upon me. I refused to acknowledge it till I could hear from General Terry. General Terry, upon my statement and application, granted the commissioner authority to investigate the matter.

Question. And suspended the writ of *habeas corpus*?

Answer. That suspended it—bringing it before the military commissioner suspended it.

Question. He sent you an officer to try the man?

Answer. He appointed an officer who was in command of the post there to investigate the matter.

Question. General Terry sent you a military officer, and authorized him to investigate it?

By Mr. COBURN:

Question. Did General Terry authorize this officer to try the case?

Answer. He authorized him to investigate it.

By Mr. BECK:

Question. And you refused to obey the writ of *habeas corpus* that Pottle had sued out?

Answer. Yes, sir, until I could hear from General Terry.

Question. After you heard from General Terry you still continued to refuse, and took the man before the military officer?

Answer. That put an end to it, you know.

Question. Do you mean that Terry's appointing a military commission put an end to Pottle's right to have the writ sued out?

Answer. Yes, sir.

Question. And Pottle's writ fell?

Answer. Yes, sir. We then, in place of bringing the man before the ordinary of the county, brought him before this military officer.

Question. Give the date of that transaction, as near as you can.

Answer. I think it was the last of May or the first of June, 1870. I cannot state positively.

Question. Do you know by what authority General Terry was suspending writs of *habeas corpus* and making arrests and authorizing his military officers to investigate cases?

Answer. Yes, sir; I think I do.

Question. Let us hear it.

Answer. It was an act of Congress giving him that power.

Question. An act of Congress passed when—in December, 1869?

Answer. It was passed in December, 1869, I think.

Question. It was by virtue of that act of Congress passed in December, 1869, that

General Terry assumed the right to try men by military commission in the State of Georgia?

Answer. That is my understanding. My understanding is that Congress, by an act, appointed General Terry one of the military commanders in the South, and a separate clause in that act gave him jurisdiction as to Georgia, to suspend the writ of *habeas corpus* if necessary, and to try any of this Ku-Klux organization for murder by a military court. I think it gave him the right not only to investigate, but if he saw proper ,to have a regular military court, and try, convict, and execute. That is my understanding of the law. I don't think General Terry ever had any disposition to use the power that Congress gave him in that particular. That is my notion.

Question. You would, I suppose, be very much astonished, after the course of things in Georgia, if you were to ascertain the fact that Congress never gave him any such authority to suspend the writ of *habeas corpus*, or anything of that kind?

Answer. Well, I do not know; I have read the acts of Congress, as I thought, pretty well; and say now that that was my understanding—that he had the right.

Question. That was the practice down there at any rate?

Answer. No, sir; they did not practice it. I say General Terry never showed any disposition to exercise that authority which I understand was given to him.

Question. The investigation of Martin's case was commenced before the military officer?

Answer. Yes, sir.

Question. How long did that investigation continue?

Answer. Four days.

Question. Who swore the witnesses?

Answer. The military officer.

Question. Who examined them in behalf of the United States?

Answer. I did.

Question. Who was the counsel for the defense?

Answer. Mr. E. H. Pottle.

Question. Who acted as marshal or sheriff in bringing up the witnesses?

Answer. I did; I had it done.

Question. By officers of your own?

Answer. I sent my guard; I had a guard; and I usually sent them out with the summonses.

Question. When you speak of a guard do you mean you sent your soldiers to bring up the witnesses?

Answer. Yes, sir.

Question. The military officer heard the case; and you called the witnesses and examined them for the prosecution?

Answer. A military officer took down the evidence; and Mr. Pottle had a clerk of his own to take down the evidence on his side.

Question. After the investigation proceeded four days what was done?

Answer. We then compromised.

Question. In what way?

Answer. I have the whole of that compromise in a newspaper here—every word sworn to.

Question. State the substance of that compromise.

Answer. On the night of the fourth day's trial this officer sent a non-commissioned officer to my house, asking me to report to his tent. I had gone to bed, being very tired. I got up, though, and reported to his tent, which was about half a mile distant as quickly as I could. When I got there he asked me if I wanted to ruin that whole people. I think that was the first question he asked me.

Question. Was that the non-commissioned officer?

Answer. No, sir; this was the officer who was investigating the matter.

By Mr. COBURN:

Question. What was his name?

Answer. Terbett, or Tarbett.

Question. What was his rank?

Answer. Captain of Company F, Eighteenth Infantry.

By Mr. BECK:

Question. Who was the ordinary of that county at that time?

Answer. Dr. Hubert. When Major Terbett asked me whether I wanted to ruin that whole people, I told him I did not. He told me that Mr. Pottle, the lawyer who was defending Martin, had been there with Mr. Heath, a former sheriff, and they had stated to him that they would give up the five men whom the evidence as then taken would convict; that they would not defend them any further if the case could stop; that they did not want the case to go any further. I told him that I was not prepared to agree to any such thing; but I would see him next morning. Next morning I met

him at the court-room; and he still insisted that I should accept the proposition. He gave me the reasons why he thought I ought to accept it. One of them was, that two of these five men were men that were engaged in shooting me; that by consenting to this arrangement I would make that matter all right. Another reason he gave was, that under the governor's proclamation, offering $5,000 reward for each of these parties, I would get that under the compromise, for their conviction; and he thought that that ought to satisfy me.

Question. That was $25,000 altogether?

Answer. Yes, sir; I told him that it would satisfy me as an individual to convict those five men, and more especially the two that shot me. I then told him that if they would agree to a proposition I would make, I would accept the proposition. I then stated what I had concluded. That was, that if he would open the court, and Mr. Pottle, their attorney, would, before witnesses, admit that under the evidence then taken down these parties were guilty of the murder, (I understood that to mean that he would go before any court, military or civil, or any other that might convene—the parties were then under bonds,) if he would state that under the evidence, and under the compromise he had made with me, these parties were guilty of that crime, and these bondsmen would bring them before any court that might convene, either military or civil, or the bondsmen be held responsible—and they were all responsible——

Question. In other words, Pottle was to enter a plea of guilty, whereby you would be entitled to that $25,000 reward?

Answer. Well, that was a question which came up under the proclamation offering the reward. There was not a decision by any of that party that I was entitled to the $25,000. Nor was it a compromise on that part at all.

Question. But your object was to have such an order entered as would enable you to get that $25,000?

Answer. To try to get it.

Question. To claim it by virtue of having obtained a conviction?

Answer. For convicting these parties.

Question. And you regarded the entry by Pottle of their guilt as being a conviction of them, so that nothing remained to be done but to enter up judgment before some court on that admission?

Answer. Yes, sir; I thought that would hold good.

Question. You thought you would get your $25,000; and that was your consideration in making the compromise, so far as you were individually concerned?

Answer. I will not say that that was my object; that was not my object.

Question. That was a pretty important consideration in the transaction?

Answer. Well, it may have been an incident; but I do not say that it was my object; I would not do a thing of that sort.

Question. But you expected to get the reward?

Answer. If I was entitled to it.

Question. And you thought that that arrangement entitled you to it?

Answer. I did not know whether it would or not; it has not entitled me to it yet.

Question. Did you not believe it would?

Answer. Well, I thought there was a doubt, and a considerable doubt.

Question. But the object you had in view was to put yourself in a position where you would be likely to get it?

Answer. Well, I thought there was a doubt whether I would get it. In our State there is a great question whether an officer would be allowed the reward in any case. I had that in view; I knew all that; I knew what the law was; and, therefore, I could not say that it was for that reason I accepted the compromise.

Question. You said a little while ago that you were still trying to get it.

Answer. I am making some move to get it if I am entitled to it.

Question. What move are you making in that direction?

Answer. If the law entitles me to it, then I want it as a matter of course, just like you would want your salary for your services. If the law does not entitle me to it, I make no claim at all.

Question. What efforts are you making in the direction of getting it?

Answer. I am trying to bring these parties before the court for their conviction; and then, if I am entitled upon that conviction under the law, I will ask for the reward; if I am not, I will never say a word about it; I will do it as my duty.

Question. You say that that compromise was entered into?

Answer. I do say so.

Question. Why was it not carried out?

Answer. I cannot answer that question; I have my ideas.

Question. Give us your opinion as to why it was not carried out.

Answer. It is merely a supposition; I have nothing to base it upon, only my own ideas.

Question. Give us your idea.

Answer. My idea was that this officer had been manipulated by this man Pottle, w[illegible] was defending those parties, and by that Ku-Klux organization.

Question. What do you mean by the word "manipulated?"

Answer. Well, "manipulated" means not to give full facts.

Question. Do you mean to say that you think he had been paid?

Answer. I would not say that he was paid or that he was not. I would just as so[illegible] believe that he was as that he was not.

Question. But you think he was "manipulated;" we will use that word.

Answer. I think he was rather manipulated from carrying out what a man ought t[illegible] carry out under the circumstances.

Question. By means of money?

Answer. I do not know whether it was by means of money, or whether it was by other influences that were brought to bear upon him; I could not say. Probably there was a good deal of all of it mixed together; it is not for me to say; I cannot say truthfully.

Question. That compromise fell?

Answer. That compromise was never carried out. If the officer had in good faith carried out the compromise, if he had reported these facts to General Terry, as he promised me to do when he adjourned the court (the court never broke up; he simply adjourned the court till he could go to Atlanta)—if he had gone there and laid these facts before General Terry, that whole thing would have been a success; these parties would have been found guilty, and a great deal of trouble in that country would have stopped. I am satisfied of that.

Question. Did you go to Atlanta yourself immediately afterward?

Answer. I was sent to Atlanta.

Question. By whom?

Answer. I cannot tell you. I was sent there under arrest; a United States officer carried me there under arrest.

Question. How long after that compromise were you arrested?

Answer. A very short while afterward; I cannot state positively.

Question. About how long?

Answer. Inside of twenty-four hours, I suppose.

Question. You were arrested the same day, or the next day?

Answer. Yes, sir.

Question. On what charge?

Answer. I never saw any warrant or anything.

Question. You know what the charge was, I presume?

Answer. The officer who arrested me said they had accused me of being bribed. I never saw any warrant or any papers of any kind.

Question. You were sent to Atlanta under a military guard?

Answer. An officer went, and I believe he had three men with him.

Question. You were sent there on a charge of bribery?

Answer. Yes, sir. I was sent to Atlanta by my own request.

Question. You were arrested for bribery?

Answer. I was arrested; and when the officer arrested me he told me that that was the charge.

Question. Were you arrested for anything else?

Answer. They never told me anything else.

Question. Have you never been arrested for anything else?

Answer. Yes, sir.

Question. What else?

Answer. I was arrested for false imprisonment.

Question. When was that arrest made?

Answer. Since this compromise.

Question. How long after the compromise?

Answer. Directly afterward.

Question. Were you arrested for false imprisonment while you were still under arrest for receiving bribes?

Answer. No, sir; I had been turned loose. They did not keep me under arrest but about twenty-four hours.

Question. When you got to Atlanta, where did you go?

Answer. To the McPherson Barracks. They carried me out one evening, and turned me loose the next morning.

Question. Did you have a hearing before any officer?

Answer. No, sir; none at all.

Question. Did you know why you were discharged?

Answer. No, sir. I employed some lawyers to carry out this compromise, and to defend me on the charge of bribery. All went to nothing—I never knew how.

Question. Who were the lawyers you employed?

Answer. Gartrell and Stephens.

Question. Are they lawyers in Atlanta now?
Answer. Yes, sir.
Question. Did they never report to you what they had done to get you clear?
Answer. They just told me the thing had come to an end.
Question. Is that all they said?
Answer. Yes, sir.
Question. They never told you any of the particulars?
Answer. They never told me any of the particulars.
Question. Did they not tell you any of the proceedings they had taken in order to send you, more than the simple fact that they had got you clear?
Answer. They never told me they had got me clear.
Question. What did they tell you?
Answer. They just told me to make myself easy; that there would be no more trouble about it.
Question. Did they say whether they had applied to a military or a civil tribunal to get you clear?
Answer. No, sir; I never asked them. I just paid them a fee.
Question. What fee did you pay them?
Answer. One thousand dollars.
Question. That was the whole of it?
Answer. Yes, sir; that was to defend me, and to carry out this compromise.
Question. Did you pay this $1,000 before you were released or afterward?
Answer. Afterward.
Question. The same day?
Answer. No, sir; I do not think it was the same day.
Question. How long afterward?
Answer. I cannot say positively; it was not a great while.
Question. When was it they told you the thing was at an end?
Answer. I think it was about the same time, within a day or so.

By Mr. POOL:

Question. You spoke of paying $1,000 to get you clear and to carry out the compromise. Was that for both services?
Answer. Yes, sir.

By Mr. BECK:

Question. You paid that money to those lawyers within a day or two of the time you were taken to Atlanta?
Answer. It was within a day or two after I had been released.
Question. Did you see your lawyers on the day of your release?
Answer. I think I did.
Question. What did they say to you on the day of your release? Was it then that they told you it was all over?
Answer. I cannot say positively whether it was then or not; it was within two or three days anyhow.
Question. You do not know to this day whether they applied to a civil or a military court, or what means they used to get you clear? All you know is that they told you it was all over, and you gave them the $1,000?
Answer. Well, they went to General Terry; that is what they told me. What took place between them and General Terry I do not know anything about. That was none of my business, as I thought. I employed them, and I thought they were capable; they knew everything that occurred. I simply employed them as I would employ any lawyer, and gave my case over to them, and simply waited their action.
Question. Were you under arrest when you employed them?
Answer. Yes, sir.
Question. What did you employ them to do?
Answer. I employed them to defend me against the charge of bribery, provided there was any charge. I did not know that there was any charge; I had never seen any warrant.
Question. What else did you employ them to do at that same time; I mean the time when you were under arrest?
Answer. My understanding was that if I was prosecuted in the courts, either civil or military, upon the charge of bribery, they were to defend me. That was my understanding; and I agreed to pay so much.
Question. How much?
Answer. One thousand dollars; and I gave them all the facts that had occurred. I gave them this compromise; and in the defense of the prosecution for bribery, if there was any, they were to use all the facts that I have stated here. That was my understanding with them.
Question. You think you have now stated substantially the terms on which you em-

ployed them, what they agreed to do, and what you agreed to pay? If there was a thing further embraced in the contract, state it.

Answer. I think I have stated all, according to my understanding.

Question. They were to get you clear, and were to use all the facts with which furnished them relative to that compromise, in any matter that might come up aga you?

Answer. Yes, sir.

Question. And next morning you were released; and in a day or two you paid tl this fee of $1,000?

Answer. Yes, sir.

Question. Was it after your release on that occasion that you were arrested for f imprisonment?

Answer. Yes, sir.

Question. How long after?

Answer. I think it was inside of a month—somewhere thereabout.

Question. Was that arrest made in Atlanta?

Answer. Yes, sir.

Question. That was after you had left Warren County for the last time?

Answer. Yes, sir.

Question. You left Warren County in March or April of last year?

Answer. May or June, I think I said; I am not positive, though, about dates.

Question. About a year ago?

Answer. Yes, sir.

Question. When you were arrested for false imprisonment, was the process served you by a military or a civil officer?

Answer. By a civil officer.

Question. Before whom was the warrant for false imprisonment sued out; in w form did this arrest for false imprisonment come?

Answer. I had the warrants in my possession for a long time.

Question. You mean the warrants against you for false imprisonment?

Answer. I had them all in my own possession for a long time. In my State the w nesses go before the grand jury and make affidavit.

By the CHAIRMAN, (Mr. POLAND:)

Question. And upon that proceeding the grand jury find true bills?

Answer. Yes, sir, The judge alone can issue the warrants.

By Mr. BECK:

Question. Then you were indicted for false imprisonment by a grand jury of War County?

Answer. Yes, sir.

Question. Before Judge Andrews?

Answer. Yes, sir.

Question. With Mr. Matthews prosecuting?

Answer. I suppose so; I do not know whether he prosecuted or not; sometimes appointed a lawyer to act for him; I do not think he ever goes down there; he a points a solicitor in that county to act; he won't go down there himself.

Question. At any rate, you were indicted by a grand jury of Judge Andrews's cou

Answer. It was in his court; I am not certain whether Judge Andrews was presidi or Judge Gibson, from Augusta; but it was in that court. I understood that Jud Gibson had been down there to hold court.

Question. Is Judge Gibson an appointee of Governor Bullock?

Answer. Yes, sir; they all get their offices the same way.

Question. You were arrested in Atlanta?

Answer. Yes, sir.

Question. Did you give bond for your appearance?

Answer. Yes, sir.

Question. Has the case been tried?

Answer. No, sir.

Question. Is it still pending?

Answer. Well, there is a pardon in the case.

Question. You were pardoned by Governor Bullock in advance of trial?

Answer. Yes, sir.

Question. Would you not have had a right, under the laws of Georgia, to remove tl trial from the county of Warren to any other county of the State where there was difficulty or danger?

Answer. No, sir.

Question. Do not the laws of Georgia allow a change of venue where the defend makes it appear that he cannot get justice in the county where the offense was co mitted, or is not safe in going there personally?

Answer. He can remove the case into an adjoining county in the same judge's jurisdiction; he cannot go any further.

Question. Provided the same objection applies to the adjoining county, can he not skip that county?

Answer. No, sir; I think not. That is my recollection of the law.

Question. So you applied to Governor Bullock and were pardoned?

Answer. I never applied to him at all.

Question. Who did apply to him for you?

Answer. I suppose my lawyers did, or somebody else; I never did.

Question. Who were your lawyers?

Answer. Gartrell and Stevens, as I have already said.

Question. I observe that one of these newspapers which you have here alludes to charges of perjury which have been made against you?

Answer. No, sir; I do not think anything of that sort is alluded to there.

Question. I observe this clause: "The day was, in *ante bellum* times, when the name of 'Chap. Norris' was a sesame of respectability and welcome in his native county of Warren. Now it is coupled with charges of perjury and bribery."

Answer. They charged me with that in their journal; it was no charge before a grand jury. It is not connected at all with this thing.

Question. Then you have been charged in the journals of your county with perjury?

Answer. Yes, sir; I have been charged with everything—with stealing, murder, and everything in the world that a man could think about.

Question. Have you indeed?

Answer. Yes, sir.

Question. The journals of your county have charged you, then, with perjury as well as other crimes?

Answer. They have charged me with everything. They have charged General Grant with perjury, and stealing, and everything else.

Question. It is terrible to associate you with General Grant.

Answer. They charge everybody that is opposed to them with these crimes.

Question. Do you state it as a fact that everybody who opposes them in politics is charged with bribery and murder?

Answer. Not everybody.

Question. Did you not say so just now?

Answer. I do not know that I did. When I say "everybody" I mean those in that section.

Question. Then I understand you to say that every republican in that section of country is charged by his political opponents with perjury, bribery, murder, and like offenses?

Answer. Yes, sir; in this paper published in that town, you will find a communication showing how they make charges of that kind. When I say they charge "everybody," I mean everybody that they know; I do not mean everybody.

Question. How did you come to get possession of that note for $5,000, and when; did you get it on the day it bears date—February 4, 1870?

Answer. Well, just before that they agreed to pay me that much money and did not do it; and then they agreed to give me that note.

Question. Was that after you had gone down there with the soldiers and commenced making arrests?

Answer. I cannot say whether these parties were under arrest at that time or not; I cannot answer that question positively; it was some time thereabout.

Question. I want you to state the history of that note, which, with its indorsements, is in the following form:

"WARREN COUNTY, GEORGIA,
"*February* 4, 1870.

"One day after date, we, or either of us, promise to pay J. C. Norris, sheriff of said county, five thousand dollars, for value received.

"W. W. SWAIN.
"P. M. HILL.
"JOHN R. SWAIN.

"Indorsements:
"Received on the within fifteen hundred and thirty dollars, this February 4, 1870.
"W. W. S.
"Received on the within seven hundred dollars, February 15, 1870. J. R. S.
"Received on the within four hundred and fifty dollars, this February 19, 1870.
"Received on the within note five hundred and seventy dollars, this 28th February, 1870.

"T. M. BROWN."

When did you receive that note, for what consideration, and under what circ stances?

Answer. I received it on the day of its date.

Question. Under what contract?

Answer. For injuries done my person, my family, and my property.

Question. By whom?

Answer. By these parties I named—the Codys, who shot me, and the Ku-Klux ; erally.

Question. Were any of the men who signed that note concerned in committing injuries upon you?

Answer. No, sir. If they were, I never had any reason to think it.

Question. How did they come to give you that note? State all the circumstanc why these particular men came to give you that note?

Answer. I will state it as correctly as I can. They gave it to me as a compromise injuries done my person, my property, and my family.

Question. Had any of these men done any of these injuries?

Answer. No, sir.

Question. How did they come to give it to you?

Answer. They did it, I suppose, for the parties who had injured me by shooting an on; they did it as agents or something of that kind. I cannot answer your ques any plainer than that.

Question. At the time the note was given, was no reason assigned by them why t should give you the note in their individual names?

Answer. No, sir.

Question. Why were you styled in the body of the note "sheriff of Warren Count

Answer. Mr. Swain wrote the note himself, and signed it. I never asked him t question.

Question. Did he say anything to you as to the reason why he signed it, and why other two gentlemen signed it?

Answer. He told me he thought, as I had been run from my home for a year, received the injuries I had, it was justice to me that that people should remune me some for those injuries; and he said that the people were willing to do it. That the transaction, and those parties paid the money that appears by the indorsement

Question. T. M. Brown, who signs one of the indorsements, does not appear to be ei the owner of the note or one of the makers of it?

Answer. Well, he came to me, and said that he wanted to pay a certain amoun money on the note which I had for injuries given me. I handed him the note, an put the credit on it in his own handwriting and handed me the money.

By the CHAIRMAN, (Mr. POLAND:)

Question. That was to show who paid the money?

Answer. Yes, sir, to show who paid the money. I wanted everything to show itself.

By Mr. BECK:

Question. You said you made a deposit of the money received upon the note?

Answer. Yes sir.

Question. Where, with whom, and for what purpose did you do that?

Answer. I do not want to state the party's name positively, if you will excuse me. can give you all the facts, and why I did it, and all about it. I was looking forw and thinking that those parties, with all their ingenuity, were trying to do me all harm they possibly could; and I did not know but they would attempt to bring up at some time upon charges of bribery or anything else; and I simply wan to keep that money to show for itself, and this note to show for itself; and I deposi the money with that view, and with parties who were not allowed to use one dolla it, but to hold it till any time when I might call for it for any emergency that mi come up.

Question. State the names of the parties you deposited it with.

Answer. I deposited it with Gordon, Willis & Co., bankers, at Atlanta.

Question. Did you make the deposits as each payment was received?

Answer. No, sir; I deposited all the money with them at one time.

Question. When did you make that deposit; was it before your arrest by the m tary authorities, or afterward?

Answer. A good while before; I made it some time before that compromise.

Question. Did you explain to those bankers the reason why you deposited the mon

Answer. It is my understanding that I did.

Question. Did you make a special deposit, to be held differently from any other mo that you had there?

Answer. I did.

Question. For a given purpose. If so, for what purpose?

Answer. I went first with the money to James's bank in Atlanta, and tried to deposit the money there on these stipulated terms.

Question. What stipulated terms?

Answer. That I wanted the money held upon a special deposit, and not used for any purpose; that it might be called for at any time. I stated that from circumstances connected with the money I did not want it used for any purpose at all. I do not know all the statements I made to them; but they refused to take the money at that bank. I then went down to see Mr. Willis, a friend of mine, and, as my recollection serves me, gave him to understand the surroundings of this money, and he agreed to take it upon special deposit; the money was placed in a large envelope, sealed up by myself, and my name written upon the back, with a statement of the amount; and he gave me a certificate for the money on a special deposit.

Question. Did you explain to him anything about this note or its payments, or did you do nothing more than just make a special deposit of that money?

Answer. I said more to him than simply asking him to take the money. I gave him to understand the reason why I wanted to make this special deposit.

Question. Did you give him the history of the Swain note?

Answer. I will not say that I mentioned the note to him, but he understood my purpose.

Question. Did he understand that you had a special reason for keeping the money as a special deposit?

Answer. Yes, he understood my purpose.

Question. You are not prepared to say that you told Mr. Willis anything about the note?

Answer. When I was preparing the statement which is published in the paper which I have here, I went to him and asked him if he would allow me to use his name as the one I had deposited this money with, and to state the understanding upon which it was deposited. He told me that he did not want me to do so; that he did not want his name to come out in connection with it. He said it would not amount to anything; that it would not do me or him any good; that there was no necessity for it; and he asked me not to do it. So I left that out.

Question. The killing of Mr. Adkins was not done by disguised men at all?

Answer. I never said that it was, or that it was not.

Question. What is your information—that it was or was not?

Answer. I said he was shot, as I supposed, from ambush. I do not know whether the men were disguised or not—that is, I do not know whether there was a mask on their faces or not.

Question. Was it not supposed that the two men on horseback, who galloped past his wife while she was in the buggy, were the men who killed him?

Answer. His wife thought so.

Question. Do you believe that?

Answer. I think they were the parties.

Question. What makes you think they were in ambush. Why may it not have been a case of open violence without ambush, if they were on the highway with their guns?

Answer. I have heard from parties who went and examined the ground, and from his wife, that they saw the signs where these parties had secreted themselves, probably in a blind behind a fence, or behind a tree, and as the old man came along and got close to them they shot him.

Question. Those men on horseback were behind him, going in the same direction?

Answer. Yes, sir, they were going in the same direction when his wife saw them. That is what she told me.

Question. Is it supposed that they rode past him and then hid themselves, or that they shot him when they overtook him?

Answer. I think that the roads forked, and that they headed him. That was the understanding of these persons who made the examination; I think they saw the tracks of the horses. I give this merely as the statement of his wife and the others.

Question. What was your majority when you were elected sheriff?

Answer. I think about 600.

Question. What was the whole vote at that election?

Answer. About 1,100 whites and 1,300 negroes.

Question. That was a pretty full vote for that county?

Answer. Yes, sir.

Question. I see by the census that your county has only 10,000 people?

Answer. Yes, sir, that was a full election.

Question. Have there been any elections there since?

Answer. Yes, sir, I believe there was one last October.

Question. Do you recollect what was the vote then?

Answer. I do not. I was told it was about half what it was before.

Question. That was the election for members of Congress?

Answer. Yes, sir.

Question. Has there been no State election recently?

Answer. They elected members of the legislature and county officers at the same time.

Question. What proportion of the property in Warren County is owned by the white people, as compared with the blacks?

Answer. The whites own it all. I think that some of the blacks own a few little lots in the town; but if they own a foot of land in the county I do not know it.

Question. Is there any superabundance of labor there, or does it require all the labor that can be obtained to work those lands?

Answer. They had plenty of labor, but their cruelty, through this Ku-Klux organization, has run out a great deal of it.

Question. They needed all the labor they had?

Answer. They needed all they had at the start; they would have been better off if they had kept it and used it properly.

Question. The white people own all the land, and they need all the labor?

Answer. Yes, sir.

Question. Yet you think they are running off their own labor?

Answer. They are running it off.

Question. Does not that make them suffer considerably for want of it?

Answer. It does make a good many of them. There are a good many there this year who cannot get any labor at all, I understand.

Question. Still they run it off, you think, just because they can do so?

Answer. Yes, sir; I talked with them upon this subject myself, and told them that they would ruin the country; that their land would not be worth ten cents an acre if they ran all the negroes out, and I asked them what they wanted to do it for. They said they intended to use the negro as a negro, or they would not use him at all.

Question. Did some of the leading men tell you that?

Answer. Yes, sir.

Question. Who?

Answer. I have heard Judge J. M. Roberts speak of it. He is an old gentleman there—a great friend of mine in days gone by.

Question. Name any others of the leading men whom you have heard make such a remark.

Answer. It is a mighty hard matter for a man to go to work and give the names of parties. I have heard Judge Roberts speak of it frequently.

Question. Is he a democrat?

Answer. Yes, sir. I think I have heard William Ricketson say the same thing. I think I could give the names of a good many more.

By the CHAIRMAN, (Mr. POLAND:)

Question. In regard to the killing of Dr. Darden, you applied to General Terry, and he sent this officer to investigate the matter?

Answer. The officer was already there; he was commanding the post at Warrenton.

Question. General Terry authorized him to investigate this affair?

Answer. Yes, sir; that was what I supposed; he went at it on my application.

Question. You seem to understand that his issuing that order was of itself a suspension of the writ of *habeas corpus*?

Answer. No, sir; not necessarily.

Question. Do you understand that General Terry ever made any order suspending the writ of *habeas corpus*?

Answer. Not necessarily.

Question. Do you understand that he did?

Answer. No, sir; I do not know that he did.

Question. You do not understand that he made any direct order suspending the writ of *habeas corpus* in that county?

Answer. No, sir; I never understood myself to say so.

Question. There was a writ of *habeas corpus* prayed out before the ordinary?

Answer. Yes, sir; there had been several writs served on me.

Question. In the case of this man, Martin, did they pray out a writ of *habeas corpus*? Did the ordinary issue a writ of *habeas corpus* in Martin's case?

Answer. I do not know positively that he did.

Question. Do you know whether he did or not?

Answer. I cannot state that he did or that he did not; my memory does not serve me positively about that.

Question. You cannot say whether a writ of *habeas corpus* was got out in favor of Martin or not?

Answer. I cannot; but they came to me for that purpose, I think.

Question. Came to you and talked about it?

Answer. Yes, sir. If they did sue out a writ of *habeas corpus* in that particular case, I think that the thing was understood. When this writ was served on me, or when they

talked of serving it on me—I will not say that they did serve it on me—I think I told them I was going to make an application to General Terry, and that they should wait until I heard from General Terry before they sued out the writ; or, if they had sued it out, to hold it, and wait till I heard from him, and that if he did not grant the investigation, then I would acknowledge the writ and bring out the prisoner before Dr. Hubert or any other officer.

Question. Whether they did, in point of fact, get a writ of *habeas corpus* you do not recollect?

Answer. I do not recollect positively.

Question. You do not know that General Terry ever issued any order suspending the writ of *habeas corpus* in that county, at any time?

Answer. No, sir; I never saw it.

Question. Did you ever hear of any such order?

Answer. No, sir. Mr. Pottle, in his attacks upon me, charged that the writ of *habeas corpus* had been suspended; but it never was my understanding.

Question. You never knew of any order suspending the writ of *habeas corpus*?

Answer. I never had any.

Question. You never heard of any?

Answer. No, sir—nothing but what he said about it.

By Mr. COBURN:

Question. Are you a practicing lawyer?

Answer. No, sir.

Question. You have never studied law?

Answer. No, sir; not to make it a profession.

Question. You do not pretend to have a knowledge of the law?

Answer. No, sir; not a legal knowledge of it.

Question. You were interrogated considerably as to whether any murders have taken place in Warren County since 1870. I want to know whether the reign of terror was not complete before that time—whether any more murders were necessary to get the poor negroes under subordination?

Answer. I think there had been plenty to get them under all the subordination that anybody might want.

Question. They were not entirely free from terror in that county at the beginning of 1870?

Answer. They were not.

Question. In what condition were they at the beginning of 1870, as to intimidation or fear of the Ku-Klux?

Answer. They were in great dread of them.

Question. Have they been relieved of that dread or terror since that time?

Answer. I think not, up to this time. I think they are in dread every night of their lives from that organization.

By Mr. POOL:

Question. Have there been any whippings in that region lately?

Answer. The negroes who came up to Atlanta a couple of weeks ago told me that there had been a good deal of whipping; but I did not ask them any questions about it; they said they were fixing to get away as soon as they could.

Question. You understood them to say there had been a good many whippings lately?

Answer. Yes, sir; this year.

WASHINGTON, D. C., *July* 24, 1871.

Hon. JOHN H. CHRISTY sworn and examined.

The CHAIRMAN, (Mr. POOL.) This witness having been called at the instance of the minority, Mr. Blair or Mr. Beck will please begin his examination.

By Mr. BECK:

Question. Tell the committee where you reside, and how long you have resided there.

Answer. I reside in Athens, Clarke County, Georgia, and have resided there about twenty-six years, there and in the vicinity. I have a little farm just out of town, where I am sometimes; but I have been in the county for twenty-six years.

Question. What public positions have you held or aspired to in the State of Georgia during that time? I ask you that question in order that when you answer we may understand exactly your status there, and the means of information you possess.

Answer. I have held very few public positions, and I do not know that I have ever aspired to any. I was twice elected to Congress from my district. I was a member

of the State convention that formed the new constitution in 1865, under President Johnson's reconstruction.

Question. When were you elected to Congress?

Answer. I was first elected in 1865, and I was again elected at the military election in 1868; those were the two first elections after the war.

Question. Have you a pretty general acquaintance in that portion of Georgia, especially in the congressional district of which Clarke County forms a part?

Answer. I have a very general acquaintance in that district; I do not know but what I know every man in it of any prominence, and a great many others. I have attended the courts in my circuit and in adjoining circuits, and I have a considerable acquaintance in some of the other congressional districts in other parts of the State. I have lived in the State a long time, and the town where I live is the seat of the State University, and people come there from all parts of the State, especially on commencement occasions; in that way I have become acquainted with many of the prominent men of the State. Besides that I have myself traveled over a great deal of the State.

Question. Have you ever canvassed your congressional district as a politician?

Answer. No, sir; I have not. On one occasion, when I was a candidate, I was a member of the State convention, and the election occurred a day or two after I returned from Milledgeville. On the other occasion when I was a candidate I was afflicted with bronchitis, so that I could not address the people, and I did not go away from home.

Question. We desire particularly to know the present condition of your people as to law and order; whether or not the laws can be enforced there, and whether life and property are secure; whether there have been any operations by disguised men, or any outrages committed by them. Go on and tell all about it, without being specially interrogated.

Answer. From all the information I have, from my own observation and from information from other sources, I think that portion of the State of Georgia, at least, is as quiet and orderly as it ever has been since I have lived in the State. After I received my summons here I saw a judicial officer who happened to meet me in my town. I had no statistics to refer to, and no data of that sort, but I inquired of him about it, and obtained his opinion.

Question. Who was he?

Answer. The Hon. Mr. Jackson, the ordinary of our county. The court-house is not in our town, but seven miles from our town. He tells me that he is satisfied the laws are now enforced as well as they ever were, and that there are no more violations of law now than during the same period before the war. He gave that as his opinion to me last Tuesday or Wednesday. I have the same opinion myself from having visited the courts generally. Judge Davis, the judge of our circuit—it is not a circuit of but three counties as that colored man swore to here; he did not know any better; it is a large circuit—Judge Davis is a republican, and a very upright and good man. He is of the same opinion that I am, and I have talked with him frequently about it, that there is no more difficulty in enforcing the law there than we have always had. If a man violates the law he escapes if he can. The difficulty we have labored under is that these criminals are pardoned after the courts convict them, and sometimes before they are brought to trial. This leads to some acts of violence, although I have denounced them as acts of violence through my newspaper. But parties have palliated them, saying that they were done because they knew the parties would finally escape; that if brought into the courts and convicted they would be pardoned.

Question. You have a right to speak of matters upon information upon which you can rely. We do not in this committee limit witnesses to their own personal knowledge, but they can give such information as they rely upon; in other words, hearsay. State any acts of lawlessness, and the causes of them, about which you know or have reliable information.

Answer. I can give you a few occurrences that have happened in our own county; they are what we may call specimens of the lawlessness we have in the State generally. So far as I know, the first act of lawlessness I remember after the war was the killing of a negro. Nobody knew who did it, but suspicion rested upon a confederate soldier from Kentucky who was stopping there in our county. Finding out that suspicion rested upon him he left. When the superior court came on there was a true bill found against him; I was foreman of the grand jury myself. Of course the testimony before the grand jury was all ex parte. Some time afterward, perhaps a year or two, he came back into that county, was apprehended, brought to trial, and was acquitted. In the trial, both sides were heard. The evidence, what there was of it, was entirely circumstantial; nobody saw him commit the act; there was no direct proof against him, and he was acquitted. That was the first violation of law of any magnitude that I remember after the war. The next occurrence I recollect was this: a confederate soldier, born and raised in our town, a very popular young man, beloved by the whole community, had a quarrel with an agent of the Freedmen's Bureau on election day. A day or two

afterward he got drunk, got excited with liquor and went to the office of the Bureau Agent and provoked a quarrel with him and got shot; got his thigh broken. The father and brothers and kinfolk of this young man assured Major Knox, the agent of the Freedmen's Bureau, (he is in this city now,) that he should not be troubled for it, and he was not troubled. I mention that to show the law-abiding character of our citizens. If anything could have provoked them to violate the law that would have done it, because the agents of the Freedmen's Bureau were at that time very obnoxious to our people. I do not remember any flagrant violation of the law until that Richardson case came up.

Question. Alfred Richardson?

Answer. Yes, sir; the man who testified before you; I have read his testimony.

Question. He is a colored representative in the State legislature, from your county?

Answer. He is one of them. There are two colored representatives from our county.

Question. State the facts in that case as you understand them.

Answer. I do not know about the case personally, but I will state what I understand to be the facts of the case. A freedman had lost a heifer, a beef as he called it, and the white men in the neighborhood, his employers and others, knew that he could not purchase another, and they advised him to get some white men to help him recover the heifer. Those white men disguised themselves and went up to Watkinsville, our county seat, and went to the house of a notorious negro there; he is named Watson, I think. The negroes take up all kinds of names and change them about every six months. They went to the house of this man Watson, who it was supposed had the cow in his possession, or knew where it was. One report is that they threatened to whip him, another is that they actually did whip him, to make him tell where the cow was. While that was going on, whether they were whipping or merely frightening him, Alfred Richardson, who lived in another part of the village, too far off to hear the man's cries, if he made any, had found out in some way what was going on; he gathered up a number of negroes and went there and attacked those men, fired on them, and one was shot in the eye. They left precipitately, skedaddled, not knowing how many there were attacking them. Richardson and his crowd followed them out of town; and after they got out of town they turned on him and shot him in the leg with small shot. Some weeks afterwards the same party, it was supposed, went to Watkinsville, and went to Richardson's house and attacked him, and on that occasion he killed one of them named Ponder. This man Ponder did not belong in our county; it was believed that the party of men were from Greene County; it was in Greene County that the heifer was stolen. I do not think the citizens in our county did it at all. There was no politics in the thing; when they came there the first time they were not searching for Richardson's house, for all there knew Richardson's house as well as the house of this other negro. Richardson's house has become a noted place; people have been in the habit of pointing it out as one of the objects of interest about the town. It was so remarkable a thing that we should have two thick-headed negroes to represent us in the legislature, that the house he lived in was quite a show. The statement of Richardson, that they were beating this negro to make him tell where Richardson lived, is absurd; everybody knew where he lived who knew anything about Watkinsville.

Question. Was it ever claimed, until Richardson made his statement here, that that body of men were after him at the time of their first difficulty?

Answer. I never heard of their being after him at all.

Question. It was the cow thief they were after?

Answer. Yes, sir.

Question. Did you ever hear the statement by anybody, white or black, that they were inquiring at that time for Richardson's house?

Answer. Never in the world. The first I ever heard of that was in Richardson's testimony. They were moved by sympathy for the negro; they knew the negro was poor, and they wanted to recover his cow for him. They also wanted to break up this thieving, for they had lost property themselves, and thought it had gone in the same direction. I do not know myself who those people were.

Question. You have stated that your opinion is that Richardson fired the first shot, at the time these disguised men were punishing this cow thief, Watson?

Answer. Yes, sir.

Question. I want you now to tell me from whom you heard it, and what means those men had of knowing?

Answer. I heard it from various citizens of Watkinsville; I do not remember how many of them. Dr. M. S. Durham was one, Mr. Robert L. Harris was another; they are very reliable men, and men who would suffer martyrdom for the truth, if any men would.

Question. Do you remember any others?

Answer. I do not remember their names; numbers talked to me about it; it was common talk for two or three days. I cannot remember the others to swear to them, but almost everybody I saw from Watkinsville spoke about it, and they were staid and respectable citizens. I am publishing a newspaper, and I always try to get facts from reliable sources.

Question. You regarded your information on that subject full and reliable?

Answer. As reliable as I could get.

Question. There was an attack on Richardson made that night?

Answer. They did not shoot at him until after they were in full retreat, and had left the place; he and his squad followed them out of the village. It was supposed that these parties did not know the strength of the squad that was after them, and they left the village. They finally fired on him and he was hit.

Question. Richardson fired first?

Answer. Yes, sir.

Question. Was it regarded by the people there that the attack on Richardson, when his house was attacked, was made because of his attack on those parties, when they were after the cow thief?

Answer. Yes, sir; that was the supposition.

Question. He was a member of the legislature from your county?

Answer. Yes, sir; one of them.

Question. How far are republicans protected in your region of country in the casting of their votes?

Answer. They cast them just the same as other people, when they please and without any fear of intimidation. There has been no effort made to influence the colored people in our county, and the consequence is that they have elected their members of the legislature. There has been no attempt to influence them in our county, even by persuasion. There have been two or three negroes in our town who have voted the democratic ticket; they have been threatened by negroes there that if they dared vote the democratic ticket they would kill them. They did attack a negro that voted the open democratic ticket; a negro attacked him in the street shortly after he voted, and he whipped the negro that attacked him. They let him alone after that; they thought him an unsafe customer. He is there in the community yet, but he has lost caste with the other negroes by voting the democratic ticket.

Question. It is said that it has become so unsafe for negroes who are republicans to remain there that they are leaving the country, because of the bad treatment that they receive; that they are so much intimidated that they dare not either express their sentiments or vote them; what do you know on that subject?

Answer. I do not think it is true. Lazy negroes, who do not want to work in the country on the plantations, come into town and make a precarious living by working on the streets and hiring out from time to time, and by stealing at nights. Such negroes very frequently come in and say they have been driven off by the Ku-Klux. I have a negro now in my employ, from Oglethorpe, who said he was driven out by the Ku-Klux. Before he had been in my employ two weeks, he was arrested by an officer from that county for stabbing a negro; I paid a lawyer and had him released; I made a compromise so that he might be released.

Question. When they come to town they generally say they have been driven off by the Ku-Klux?

Answer. Yes, sir.

Question. This man in your employ said he had been driven off by the Ku-Klux?

Answer. He did not tell that to me; he told my little boys that he was afraid to stay in Oglethorpe on account of the Ku-Klux.

Question. You compromised the case of stabbing on account of which he had run off?

Answer. I compromised the case and he is living with me to-day. He is a better negro than the average of them, but he will lie.

Question. Have you been much annoyed in your country by larcenies committed by colored people?

Answer. A great deal. There is an old negro in Watkinsville, the very place where Richardson says there is so much trouble, who told some white gentlemen the other day that he did not believe the Ku-Klux existed at all, but if it did, he wished it would be brought there, and that he would give $20 to sustain it, because he could not now raise any chickens or pigs. Mr. Robert L. Harris told me that before this difficulty occurred it was so bad that his family could not attend church at night; he lived a little way from town; that armed negroes patrolled the road, and undertook to halt everybody that passed along and make them tell their business; that they were kicking up a great many rusties all over the county; but since this party came into town they had been rather quiet; the orderly negroes were very glad they came in upon them; there have been only those two visits at Watkinsville, that I know of. I have heard from time to time of parties being whipped at night by disguised men, parties who were living in a state of fornication and adultery; I have heard of a few cases of that sort. I have no idea that there ever has been any organization in the State of Georgia known as Ku-Klux, or any other sort of secret organization, except the Loyal League, since the surrender.

Question. As far as you know, did these bands of disguised men ever punish anybody in the county for his politics?

Answer. I know of no man having been punished for his politics; I know of no a

tempt to interfere with any one on account of his politics, except the time when the attempt was made to whip old Tom for voting the democratic ticket. Sometimes mischievous boys who want to have some fun go on a masquerading frolic to scare the negroes, but they do not interrupt them, do not hurt them in any way; but that is what political capital is made out of; stories are exaggerated, and it keeps up the impression among the negroes that there is really a Ku-Klux organization; the boys do not molest them, but merely scare them; and that is a rare occurrence; I have heard of some cases of that sort, just such cases as that. And I have heard of cases where parties have taken the law into their own hands, for the punishment of those living in fornication and adultery, in open violation of the law; such things as those have given rise to all these Ku-Klux stories, in our part of the State. I do not believe there is any Ku-Klux organization in any part of the State.

Question. What counties do you embrace in your statement?

Answer. The twenty-one counties of the sixth congressional district, and a number of the counties of the third and fifth congressional districts, the counties lying in the neighborhood of our districts; our county is in the lower corner of the sixth district; and I am consequently acquainted in the third and fifth congressional districts.

Question. Are you a newspaper man and a politician, and thus thrown in contact with a large number of the people in your section of the country?

Answer. Yes, sir.

Question. Are you acquainted with them?

Answer. Yes, sir.

Question. You know the condition of your country very well?

Answer. I think I travel over it more than any man in it, unless it is the judge of our superior court and his solicitor.

Question. Are the judges of your courts republicans?

Answer. Yes, sir.

Question. Is that the information you have from them, that the country is peaceable and orderly?

Answer. I have it from the judge of our circuit; I do not remember talking with other judges; perhaps I did with Judge Andrews, of the northern circuit, adjoining ours; I think I did; I know our judge, Judge Davis, very well; he lives in the adjoining county.

Question. Do you know of any interruptions of gentlemen who have undertaken to make republican speeches in your section of the country?

Answer. No, sir; I do not remember any interruption of that sort, recently. Before the presidential election Mr. Akerman, who is now the Attorney General of the United States, had his horse shaved in Washington, Wilcox County. I do not know that he was making republican speeches then; but he told me the winter afterwards about his horse being shaved, and said that he thought it was done by some mischievous boys.

Question. What is the effect upon the feeling of security of life and property in your region of country, of the frequent pardons of which you have spoken as having been granted by your governor?

Answer. As I stated a while ago, the direct effect is to cause some good citizens—otherwise good men—to countenance acts of violence sometimes, because, they say, that it is the only way in which you can punish criminals. I do not know that these men indulge in these practices themselves, but they try to palliate them, and say that the boys are not to blame so much after all, because they know that if the parties are tried in the courts and convicted the governor will pardon them.

Question. Has he pardoned many offenders in your region of country?

Answer. Not in our immediate region—not a great many. He pardoned one man in Banks County, above us, for murdering a negro; he was not brought to trial at all. He has not pardoned many in our own county. He pardoned two parties who were accused of murder, who were never brought to trial; but he did that at the solicitations of many of our best citizens. I do not know why he granted the pardon in the Banks County case. There was one case I wanted to mention to you. I undertook to give the instances of violations of law in our county, and mentioned all the cases but one; I am reminded of that case by reading the testimony of Richardson. He speaks of a man whom he called Haycock, and holds out the idea that the Ku-Klux were after him. Now, that was an outrage by negroes; three negroes whipped a man by the name of Acock; two of the negroes escaped, one was apprehended and brought to trial. He confessed that they were hired by a white man, who paid them to go and whip Acock; they beat him nearly to death. The negroes take this thing in hand themselves sometimes; they have got the trick; they learn anything that white men do that is mean; they disguise themselves sometimes. They had no animosity against Acock himself; but they were tools, for a very small consideration, to go and whip him.

By Mr. BLAIR:

Question. Who was Acock?

Answer. He is a plain, country farmer, an inoffensive man, as far as I know. But this neighbor of his had a falling out with him, and being afraid himself to attempt to

chastise Acock, he hired negroes to do it. I know of other cases of that sort—not my personal knowledge, but from reliable information—where negroes have gone and done these things. Mr. Pottle told me of a case in Hancock County where th were twelve, or fifteen, or eighteen negroes—I do not remember the number, bu considerable number of them—who had disguised themselves for the purpose of killi a white man. There was a loose plank in the floor of the room where he and his w were, and she raised the plank and got him to get under it. When the negroes ca in the house, not finding him they thought he had made his escape; they insulted h blustered around a while, and then left. They were tried in the Hancock court, c victed, and sentenced to the penitentiary, and pardoned by the governor. Th account I got from Mr. Pottle as I was on my way here; he lives in Warren Coun but the case occurred in Hancock County.

By the CHAIRMAN, (Mr. POOL:)

Question. Did you say that you edited a newspaper?

Answer. Yes, sir.

Question. A democratic newspaper?

Answer. Yes, sir.

Question. I find the following in the testimony of Mr. Richardson:

"We followed them to the forks of the road, about three hundred yards from wh we met them. They all stopped and got over into the field, taking the old man w them. I ran up, and looked first up one road and then the other, to see which w they had gone. I could not see anybody for a long time; a cloud had got over t moon. After a while I saw one fellow slipping alongside the fence. He had a pis in his hand, as if to shoot me. When I saw him doing that, I took my pistol, and sh at him. When I shot at him there were three or four men who shot me from throu the fence. I did not see them."

It thus appears by the testimony of Alfred Richardson that he himself states that fired the first shot.

Answer. I have always understood that he stated so; I have never heard him ma the statement himself.

Question. Is it substantially as he states it, so far as you know?

Answer. Yes, sir. I had not heard all the particulars when I was at home. I re his testimony this morning, and I found in it a great many things I never heard befo He was present and knew all that happened. I do not know how much of his sta ment is true.

Question. Were any of the men whom you heard make a statement about it pres there, and did they see it?

Answer. No, sir. There were some young men who, it occurred to me, might ha had some hand in it, and I asked them about it, but they said they knew nothing abo it personally; that they had talked with Alfred Richardson, but they did not know t parties who were in disguise.

Question. What is the character of Alfred Richardson?

Answer. I am not able to answer that satisfactorily; I barely know him by sig though he has been representing me for some time in the legislature. I never saw h until since this occurrence; he came into my office one day, when he came to Athe he was there for a few minutes; that was the only time I ever saw him.

Question. Do you know the reputation he bears in the community?

Answer. I do not know anything in the world about him; I have heard nothi against him or for him. I know as little about him as I possibly can know about a plantation negro, except that he was in my office at one time, and I told him he w safe in Athens.

Question. You say his house was a notorious place?

Answer. I say it was a noted place, merely because he was a colored representati in the legislature; I said that was what gave it its notoriety.

Question. You say the parties who came to his house were from Greene County?

Answer. I say it was generally supposed that they were the neighbors of the free man who had lost his cow.

Question. Did they shoot him that night in his house?

Answer. He says they did; I do not know anything about the correctness of his sta ment.

Question. Was it generally understood in the community that they fired at him?

Answer. I do not know about that; I do not know that I ever heard that.

Question. Did you ever hear it contradicted that he was shot that night?

Answer. I do not know that I ever heard it contradicted or asserted. I heard that shot Ponder; that was common talk; I do not remember whether I heard that he w wounded or not.

Question. You say that he killed a man?

Answer. So he says, and I was told by respectable citizens in the neighborhood th they have no doubt it was so. Ponder has not been seen since.

Question. Has there been any prosecution against Richardson for killing that ma

Answer. No, sir, not at all; we have had no courts since then.

Question. You have magistrates and justices of the peace?

Answer. Yes, sir.

Question. That was a case of homicide?

Answer. The general opinion of the community is that it was justifiable, for he was attacked in his own house.

Question. If these parties were from Greene County why should they know Richardson's house?

Answer. Greene County is very near Watkinsville; they live very little further from Watkinsville than I do, and the Greene County people frequently come there.

Question. Are the negroes in the majority in your county?

Answer. No, sir, except on election days; they are always in the majority then, for they colonize largely.

Question. How large a majority?

Answer. They vote sometimes one hundred and fifty majority there.

Question. What is the statement of the census returns of your county?

Answer. I have not examined the census returns, but I think the whites outnumber the blacks.

Question. To what extent?

Answer. I do not know.

Question. How is it in the adjoining counties?

Answer. In some counties the whites are more numerous, and in some the blacks are. In Oglethorpe and Greene Counties the blacks outnumber the whites; in Walton, Jackson, and Madison Counties the whites outnumber the blacks.

Question. Have you not heard of a great many outrages committed by disguised men in the counties around you?

Answer. I remarked a while ago that I had heard of several cases of whipping, where whites and blacks were cohabiting together; I do not remember any whipping for any other cause. I have heard of cases in Walton and Morgan and Clarke Counties—whites and blacks were both whipped—where it was done for cohabitation between the different races.

Question. You have heard of no cases except for that offense?

Answer. I do not remember of any others. I heard of an old man named Fambrough, a white man, who was whipped. I do not remember why he was whipped, or how.

Question. You have not heard of any persons being whipped who were charged with stealing, except the man Watson you have named?

Answer. I do not remember any.

Question. Have there been any barns burned in your county?

Answer. There have been cotton-gins burned. That is the sort of burnings we have. We do not have any barn-burning with us; they burn up the crop of cotton in the gin-house.

Question. How many cases of that sort have you heard?

Answer. I do not remember; perhaps three or four in the last three or four years. There may have been more than that, but I do not recollect. These things sometimes occur by accident when it is thought to be the work of an incendiary. I do not know that they were incendiary burnings, but we were not able to convict anybody for them.

Question. You say that boys go out in disguise and visit the negroes?

Answer. I say that it is said that they go out and meet them sometimes on the road and scare them.

Question. Do they not go to their houses?

Answer. They may sometimes, but they do not attempt to punish them in any way.

Question. Does not that produce a state of intimidation and fear on the part of negroes?

Answer. To a certain extent it does. The negroes are very superstitious; they say the Ku-Klux are the spirits of confederate soldiers. I have talked with negroes sometimes who say they leave holes in the ground like the seventeen-year locusts; that they can see where they come up out of the ground. The negroes are very superstitious; they are very much afraid if they see anything white in the night.

Question. Do not the Ku-Klux tell the negroes that story about the spirits of the confederate dead?

Answer. I do not know about the Ku-Klux; the boys who disguise themselves humor that joke, of course.

Question. Do you suppose those negroes really believe anything of that kind?

Answer. I do not know whether they believe it or not; they pretend to. They are very superstitious, as I know; for I have been raised among them, and have lived among them all my life.

Question. How is it that the negroes, who are so very near in a majority in your county, submit so quietly to boys going about in this way, and now and then whipping them?

Answer. The boys do not whip them.

Question. Well, how do they submit to the men who do whip them?

Answer. They cannot well help submitting. Where a crowd of a dozen men go a find a man and woman in bed together, they can whip them very easily.

Question. Why do they not retaliate?

Answer. I do not know; the white men might as well retaliate as the negroes. have said that I have heard of three or four cases of persons living in fornication adultery where they have been visited in that way. I was asked to state the outrag that had occurred, and I stated where parties undertook to take the punishment criminals in their own hands.

Question. You say the governor has not given any occasion for that, for he has issu no pardons in your section of the State?

Answer. I do not say he has issued none; I know of some he has issued.

Question. Have any been improperly issued in your section of the State?

Answer. I am not the judge of that. I will say, however, that I think one was—t man in Banks County, who was not tried at all. I never heard of any palliating c cumstance in that case. Perhaps the governor thought he had good reason for grar ing a pardon. I know the man very well.

Question. How far is Banks County from you?

Answer. It is thirty-two miles from the court-house. I go there frequently.

Question. Have any white men been convicted for committing any of these acts disguise?

Answer. I do not remember any case that has come to trial.

Question. Have any been arrested?

Answer. I do not know of any that have been arrested; they do not know who th are. I have myself talked with the solicitor about it, and urged him to have the arrested, if possible.

Question. You say you have heard of two cases where negroes disguised themselve

Answer. Yes, sir.

Question. In both of those cases the negroes were arrested?

Answer. In one case one negro was arrested, and in the other case the whole numb were arrested.

Question. And the whole number were convicted?

Answer. I understood Mr. Pottle to say that they were all convicted; they did n go to the penitentiary, for they were pardoned.

Question. How is it that the two cases where the negroes were disguised were promptl met by the authorities, and none of the cases in which white men did the same thin have been prosecuted?

Answer. I have only one way to account for it, and that is only supposition on m part: I presume they recognized the negroes, and did not recognize the white me Richardson himself told me that he did not know the men who were after him; I aske him very particularly about it when he was in my office; I was very anxious to ha them prosecuted, out of consideration for the good name of our country. I denounce them very bitterly in my paper; I am opposed to everything of the sort, and I wa to see them prosecuted. So far as I know, our good citizens, law-abiding citizens, a all opposed to all acts of violence, and have always been. We have ever been a la abiding community, yet the laws have been violated ever since I knew the count Before the war I knew the case of one man there who killed his father, of anothe man who killed his wife; but there was no Ku-Klux in that.

Question. Did you know in your county of men in disguise going about before th war as they have since?

Answer. In some rare instances.

Question. Before the war?

Answer. Yes, sir; there have been instances all over the Southern and Western State as there used to be in California, where men set themselves up as regulators when the desired to get rid of obnoxious persons in the neighborhood. I have heard of disguise parties running off people in that way ever since I could recollect.

Question. Did you hear of any such case in the State of Georgia?

Answer. Yes, sir.

Question. Of a band of men disguising themselves?

Answer. I do not know that they did, but I presume they did; I have heard of it. have known them to go and stone the houses of parties, and run them off in that wa

Question. Were they in disguise?

Answer. I do not know whether they were disguised or not; I never knew the partie

Question. I was speaking of these manifestations by bands of disguised men visitin people's houses and punishing them for petty crimes.

Answer. I do not know that they were disguised before the war; I do not remembe whether it was stated they were disguised or not.

Question. Have you not heard that these bands have been operating within the la twelve months in various parts of the State of Georgia?

Answer. I have heard more of it here in Washington City than I ever heard anywhe else. When I was here upward of two years ago I heard a great deal of it. It is mu

like sickness in different sections of the country. I have traveled in different parts of the State, and have asked in a neighborhood if there was any fever in that neighborhood. The answer would be: "O, no, no fever here; but if you go down here about twenty miles almost everybody there dies of fever." And when you get down twenty miles further, they tell you there is no fever there, but you will find it twenty miles beyond that. So it is in this case. I heard here in Washington a great deal of it during the winter I spent here.

Question. Have you not heard of it in Georgia?

Answer. I have heard of some cases, as I have told you.

Question. Have you not been thrown into intercourse and communication with a great many people from different parts of the State of Georgia?

Answer. Yes, sir.

Question. Have they not reported these things as occurring in different parts of the State?

Answer. Some report that there are outrages; others say that they are greatly magnified. I met Mr. Niel, representative from Warren County, and a republican. More outrages, so-called, were said to have been committed in Warren County than in any other county in the State. It is the county where Chap Norris lives, a man who has had a great deal to do with fomenting mischief there, it is believed. I asked Niel about it, and he told me that the cases had been very greatly magnified; he stated that not one-tenth of the cases that had been reported from Warren County were correct. I have heard of many cases of that sort.

Question. You have heard similar reports from other States, have you not?

Answer. Yes, sir; I have heard that Tennessee was full of the Ku-Klux.

Question. You have heard of it in Alabama?

Answer. I do not remember so particularly about Alabama, but I have heard a great deal about the Ku-Klux in Tennessee. Tennessee adjoins my district.

Question. Have you ever conversed with any man who said that he belonged to an organization of that sort?

Answer. Never in the world. I have seen some boys, some young men—bad young men—who I thought would perhaps belong to it, if there was any such organization at all. I have asked them about it, but they have denied it. I never saw a man on the face of the habitable globe who admitted or said that he belonged to any such organization.

Question. Did you ever hear any man with whom you talked say that he belonged to any organization at all?

Answer. No, sir; I have talked with men who might have belonged to it, but they never admitted it to me. They know that I am opposed to it, and they would be very clear of admitting it to me, even if they did belong to it.

By Mr. COBURN:

Question. Have you ever seen Governor Bullock's proclamations in relation to these crimes committed by disguised men in Georgia?

Answer. I published his proclamations in my paper.

Question. Did he not recite a large number of outrages committed by disguised men?

Answer. He recited a number of them. I do not know that it was a large number; he recited several, some in our county. This Richardson affair was one; and he recited some that occurred about Rome, and some in other places.

Question. Stating the names of the persons who had been outraged, the deeds committed by these disguised men, and the places where they were said to have been committed?

Answer. Yes, sir.

Question. In view of that, are you prepared to say that there is no difficulty in enforcing the law in Georgia?

Answer. I have not said any such thing.

Question. I understood you to say that.

Answer. I did not say there was no difficulty; I said there was no more difficulty now than before the war. Scoundrels who break the law will always escape if they can.

Question. Was there difficulty in enforcing the law before the war?

Answer. There is much difficulty in enforcing the law everywhere that I ever heard of.

Question. Is it not a matter of fact that the crimes committed by these disguised men are more difficult of prosecution and conviction than crimes that were committed before the war?

Answer. I think so, because you cannot find out who they are. Before the war you generally got some clue to the persons who committed the crimes. That has been the trouble in our county.

Question. Is not that the reason why Governor Bullock offered large rewards for the apprehension of these criminals?

Answer. I suppose that was one reason.

Question. Has anybody been taken up under this offer of reward?

Answer. Under this particular offer you refer to? I do not know. I think some were taken up in the neighborhood of Rome.

Question. About what was the date of that proclamation?

Answer. I do not remember the exact date; probably about February or March; I think it was about that time of the year. I rather think some of the parties were arrested up about Rome. Nobody has been arrested under that proclamation in our county. I think that the parties committing the deeds in our county, from the information I could get, resided in Greene County; that is the general impression.

Question. You mentioned a great difficulty in relation to some crimes occasioned by the great number of pardons by the governor. Do you know of any instance in which any man pardoned by the governor has committed another crime?

Answer. Afterward?

Question. Yes.

Answer. No, sir, I do not. I only know of the three pardons that I mentioned, one in Banks County, and two in our own county. I have not heard of those parties committing crime since.

Question. Have you any reason to believe that the pardons granted by Governor Bullock have operated to encourage disguised men to go around and perpetrate outrages?

Answer. That is the general impression, that they do it because when parties have been convicted they could not be punished, owing to the executive pardons.

Question. Has anybody ever been convicted for committing crimes as disguised men?

Answer. No, sir. But they have been convicted for theft and various other crimes, and pardoned without punishment; that was the kind I referred to. There may have been some convicted for committing crimes as disguised men, but I do not know of any case.

Question. Now, in relation to the petty crimes that are committed. Why do not the people, as a matter of fact and policy, resort to the courts for the punishment of those crimes?

Answer. They do generally resort to the courts, and have always done so, as a general thing. There have been some exceptional cases, as I told you, where disguised men undertook to punish parties; but, as a general thing, they resort to the courts.

Question. Do you know any reason why those men who came in search of this alleged cow-thief at Watkinsville did not take out legal process?

Answer. I do not.

Question. Was there any obstruction in the way of their doing so?

Answer. I do not know any reason at all. I am not posted about that. I do not know what was their reason.

Question. You say that in cases of adultery, and for open violations of law, persons are whipped by these disguised men?

Answer. I have heard of some few cases of that sort that I have mentioned. I do not remember any other cases.

Question. How are these things regarded in that community; are they approved or disapproved?

Answer. What; adulterers and fornicators?

Question. No; punishment in this way of persons who commit open violations of law.

Answer. It depends a great deal upon circumstances. I have no doubt that the people who live in the neighborhood where a man and woman are living together in open violation of law are very glad when they get whipped and run off. If they are not living right under my nose, if I live out of the way of it, I would say that the law should not be violated at all, that it should be respected.

Question. Suppose that other violations of law, theft and other irregularities, aside from adultery, are punished by men in disguise, is there any reprobation of acts of that kind, if the commission of the crime is clearly established?

Answer. Yes, sir. Our people are opposed to everything in the shape of mob violence; I speak of most of the people generally. They are just as much opposed to it as people in New England, New York, Ohio, Missouri, or any other State.

Question. There has been testimony here going to show that these disguised men are in some degree the successors of what were called patrols in slave times; that they do duties of that kind. During the time of slavery petty offenses were not punished by law; but the patrols punished them summarily, giving the offenders so many lashes?

Answer. Patrols did not punish petty offenses; but they would not allow negroes to be out where they could commit petty offenses after 9 o'clock at night, unless they had a pass. The master of the negro could give him a pass, so that he could stay out all the year round if he wanted to, and the patrol could not interrupt him. But the negro who was disposed to thieving could not get a pass to be out after 9 o'clock. They did not undertake to punish a negro for petty crimes, but for being out after that hour without a pass. That was the extent of the punishment by the patrol. And men generally through the country subject to military duty were subject also to patrol duty.

By the CHAIRMAN, (Mr. POOL:)

Question. That was provided by law?

Answer. It was provided by law.

By Mr. COBURN:

Question. As a general thing, how do the colored people behave in that county?

Answer. As a general thing they behave better than I had any idea they would. As to working, they do better than I thought they would, a great many of them. There are some of them who gather about the towns and tell these cock-and-bull stories about being run off by the Ku-Klux. The truth is, they come to town because they do not want to work. Generally the negroes work better than I supposed they would. A great many of them acquire property. I suppose there are from sixty to seventy-five in my town who have houses and lots. They are industrious negroes, and are encouraged and protected by the white people, who sell them lots cheap. They are inclined to become property-holders.

Question. Are they aggressive or insulting toward the whites?

Answer. They have a great deal of human nature about them. If a white man will put himself on a level with the negroes, if he will play marbles with them, play with them, scuffle with them, and all that, they become very insulting and very aggressive toward him. But if a white man treats them as a gentleman should, with humanity and politeness, they are as polite a people as I ever saw. I have had no difficulty at all with the freedmen since slavery was abolished; they treat me with great politeness, and I treat them with great politeness myself. I believe everybody who treats them in that way will have no trouble with them; I will do them the justice to say that.

Question. How long have these disguised men been operating in that country?

Answer. It is irregular; the thing has occurred but seldom. The first case I think I heard of was that of old man Fambrough. I do not remember the particulars of that case, and I do not remember exactly when it occurred; I suppose it occurred about two years ago, but I am not certain as to dates; I think it was probably two years ago. This is not an organization, not a regular thing, and I am afraid I have made a wrong impression on your mind. You speak of these disguised bands as though they were something regular and organized. Now, I do not want to convey that impression, because I do not believe it at all. They are not epidemic; there are a few sporadic cases.

Question. Did not the proclamation of the governor of the State, the statements in the newspapers, and the published evidence of witnesses in various States, create the impression on your mind that there is some sort of organization?

Answer. No, sir; the very fact that they tell these cock-and-bull stories does not create that impression at all.

Question. Do you call the proclamation of the governor, the evidence of witnesses, and the statements published in the newspapers cock-and-bull stories?

Answer. No, sir, I do not; but see how easy it is to get up a proclamation——

Question. We do not want to reason about it; I want your opinion.

Answer. My opinion is that there is no such thing at all. And I know that Alf. Richardson, or anybody else, can go to the governor and tell him a story, and get him to issue a proclamation.

Question. Do you believe all these stories in the newspapers and the proclamation of the governor are cock-and-bull stories?

Answer. No, sir; some of them I believe are true.

Question. Do you not believe that there is an organization of disguised men existing in various parts of the State?

Answer. I have said that I have no knowledge of any such organization anywhere, and I do not believe there is such an organization in Georgia. I have been told that there is such an organization in Tennessee; I have heard it repeated over and over; but I have no means of knowing whether that is so or not; and I have no idea there is any such organization in Georgia.

Question. Is it not possible that it might exist there and you not know it?

Answer. That is possible; I will admit the possibility of that. But I do not believe it exists; I think if it existed it would have leaked out in some way, so that some friend of mine would have found out something about it, and told me something about it. Still it is a possible thing that the thing might have existed.

Question. In order to test exactly your meaning in this matter, I will ask you what you would call an organization; what do you mean by an organization? I will see whether we understand each other about that.

Answer. By an organization I mean a lot of men banded together for a specific purpose, who are regularly in the habit of meeting, and who carry out their purposes and objects continuously. I do not consider it an organization if a lot of men happen to meet at the cross-roads somewhere and propose to go down to Jones's, or some other place, and do some mischief; if they do not meet again, I do not call that an organization.

Question. Suppose the men have disguises, and upon notice given to them they can be readily got together; and suppose that in pursuance of those meetings they go and punish colored men for petty crimes, and punish other citizens for offenses; and suppose that in addition to that certain members of a certain political party are found to be the ones punished by them, and that they themselves are found to belong to the opposite political party, would you regard that as an organization?

Answer. O, yes; if it was a regular thing like that, I should consider it an organization.

Question. Have you ever heard of any women or children being whipped by these men?

Answer. I never heard of it until I read Richardson's testimony this morning.

Question. Not in any part of Georgia?

Answer. I do not recollect a single case of that kind, of women or children whipped by disguised men. I have heard of negro women being whipped sometimes for being slovens, and I have heard of their being whipped where they were living in adultery; in those cases women were involved.

Question. Does the punishing of people by these disguised men have any effect upon the colored people of that country at all?

Answer. I stated a while ago that I thought that colored people, being very superstitious, were afraid of them.

Question. Do you think that it is nothing but a superstitious fear?

Answer. I think that is the chief fear they have, because I do not think any negroes who behave themselves have been troubled by them.

Question. Do you not suppose they fear personal violence?

Answer. I do not think they do, unless it is some negroes who have been violating the law in some way, and that is a matter that they know themselves; it is only a guess on my part.

Question. Have you heard of the negroes themselves expressing any opinion about this?

Answer. I have talked with some of them, and they call them ghosts.

Question. Did you ever know of any negro who thought he was in personal danger from these disguised men?

Answer. I have talked with one, Richardson.

Question. Have you talked with any others?

Answer. No, sir; not any who said they were afraid of personal violence from them.

Question. Are you willing to swear that it is a superstitious fear on the part of the colored people?

Answer. No, sir, not that; but I will swear that I think so.

Question. You think they are influenced by nothing but a superstitious fear?

Answer. As a general thing. I have no doubt that after Richardson attacked them and they attacked him, he was afraid they would come a second time.

Question. Do you think these negroes believe that ghosts take whips in their hands and inflict stripes upon them?

Answer. No, sir, I do not believe they do.

Question. Do you suppose they believe the horses and mules they are astride of are ghosts?

Answer. Well, sir, they swear that they have seen mules ten feet high and with ears six feet long; you can judge yourself about that.

Question. And that leads you to believe that the negroes think they are ghosts?

Answer. That, and the fact that numbers of gentlemen have told me that they have talked with negroes who said the same thing; and I have talked with some negroes about it.

Question. How many negroes say that they have seen mules ten feet high?

Answer. I do not know. A man told me that some negro women on his place told him that they had seen some Ku-Klux, and they were on mules that were ten feet high.

Question. This is no matter of joke; you are on oath now.

Answer. I only state to you what was told me.

Question. Do you believe the majority of the negroes believe any such thing?

Answer. I do not believe anything about it. I am telling you that a man told me that his negro women told him so.

Question. I want to know the general state of mind of the negroes?

Answer. I talk very little with the negroes.

Question. Then how are you willing to swear to that?

Answer. I have said that I am willing to swear that those I have talked to believed they were confederate ghosts.

Question. Are you willing to swear that that is the general state of mind on the part of the negroes?

Answer. No, sir; I only referred to the few cases of those I have talked with; and other people have told me the same thing. That has made the impression upon my mind that the negroes had a superstitious fear with regard to it.

By Mr. BUCKLEY:

Question. I understand you to state to the committee that a band of men went from Greene County to Watkinsville to punish this negro——

Answer. I do not want to be understood that they did go from that county, but that was the general impression.

Question. What was the object of these men disguising themselves?

Answer. I take it for granted that it was to avoid detection and prosecution in the courts.

Question. It was to avoid identification and prosecution and not for the purpose of taking advantage of any superstitious fear that exists on the part of the colored people?

Answer. No, sir; those men who want to commit acts of violence on colored people probably do not want to take advantage of their superstition. I said that it was the boys, who want to have fun with them, who take advantage of their superstition.

Question. The men who disguise themselves do it for the purpose of avoiding detection?

Answer. I suppose so.

By the CHAIRMAN, (Mr. POOL:)

Question. Do negroes sit upon juries in the counties around you?

Answer. No, sir; they do not sit upon juries in our State. The new State constitution, the constitution of 1868, provides that juries shall be composed of—I do not remember the exact language of the constitution—that they shall be composed of the best men in the county, of the most intelligent men, and something else.

By Mr. BLAIR:

Question. Of intelligent and discreet men?

Answer. Something of that sort. I suppose that language was adopted for the purpose of keeping the negroes off juries, although it does not say so in so many words. The presiding judge and certain county officers draw the jurors, as I suppose they do in other States. It is made their duty to take the most intelligent and discreet men for jurors, and that, as a general thing, excludes negroes. I do not know that any negroes have served upon juries in that State; they have not served in our own county, or in the counties of our circuit.

By the CHAIRMAN, (Mr. POOL:)

Question. Have you not some negroes who are as intelligent as some white men who serve on juries?

Answer. I think we have some negroes as intelligent as some white men.

Question. As some white men who serve on juries?

Answer. There may be rare cases of that sort. Our petit juries have been greatly improved under this new constitution, because they are men of the class who were formerly on grand juries.

Question. Have you ever seen any of these men in disguise?

Answer. No, sir; I have never seen anything of the kind.

Question. Have you ever seen any man in disguise in your county within the last eighteen months?

Answer. No; not under any circumstances whatever that I remember, unless it was a son of mine who was trying to scare his little sister one night.

Question. What did he put on?

Answer. He put on his mother's dress, or something of that sort; it was a family concern. I do not suppose you want to hear that, but as I am under oath I mentioned it.

Question. How old is your son?

Answer. Some seventeen or eighteen years old.

Question. Have you seen any disguises that these men are in the habit of wearing?

Answer. No, sir; I have not. I have understood that there was some clothing on exhibition in Atlanta—some clothing that some young men wore at a masquerade ball—and they stuffed some northern men there with the idea that they were Ku-Klux disguises. The only disguises that I have heard of are those mentioned by my friend Richardson, who said that they found some in Clarke County in a shuck-pen.

Question. Have you heard any democrats in conversation with you, or in conversation of which you have heard, speak on this subject of bands of disguised men?

Answer. I have heard a great many speak about it.

Question. Did they say that they thought it would have the effect of keeping the negroes from voting?

Answer. I never heard that said. They said they thought it would have a bad effect on the Northern mind, and they regretted it, because it could be used to make political capital of; that was was the general expression I heard.

Question. You never heard any one say that it was likely to affect the negroes in their voting, or keep them away from the polls?

Answer. I do not remember to have heard any one say so.

Question. Did you ever hear any one express a wish that the organization migh have such an effect?

Answer. I do not recollect of hearing anybody express any such an opinion.

Question. Have you heard republicans or colored men say that it produced that effect

Answer. I think I heard Mr. Akerman say that it kept them from voting in his county I think he told me so; I do not remember any other instance and I am not sure tha he said so.

Question. Do you mean the attorney general of the United States?

Answer. Yes, sir; I think I heard him say so. I do not know that it was these di guised men that kept them from voting; I think he said that they were intimidate from voting in some way.

Question. Did you ever hear any colored man or republican say so in your county?

Answer. No, sir. There is no intimidation in my county; they do not fail to vot and they vote more than they are entitled to.

Question. You think it is boys who put on these disguises?

Answer. I have heard of a few isolated cases where they have done so; not as general thing. It is a matter not worthy of mention, but I was under oath, and tol to state all that I knew or had heard about it.

Question. Do you know any of the boys who ever did it?

Answer. No, sir; I do not.

Question. You cannot call the names of any of the boys?

Answer. No, sir, I cannot.

Question. Then how can you tell whether it was boys or grown men?

Answer. I cannot tell; I only stated that I had heard these things; I do not know of my personal knowledge.

Question. Did you hear the men who told you so call the names of any of the boys

Answer. No, sir.

Question. They did not intimate what boys did so?

Answer. I do not remember that they did; if so, I do not have any recollection of i It was a matter of so little consequence that I never charged my mind with it.

Question. You mean that it was treated lightly in that way?

Answer. Yes, sir; where they did it just for amusement.

Question. Do republicans and colored men treat it in that light manner?

Answer. Yes, sir; if they knew it was boys doing it just for amusement they woul not care for it at all.

Question. Then the colored men and republicans do not believe it is boys?

Answer. I do not know what they believe about it.

Question. Did you ever hear them make light of it by saying it was boys who did it

Answer. No, sir; I do not know that I ever heard them talk about it. We have bu six or eight white republicans in our county, and I could not hear much from the about it; and I do not associate with the negroes. I hear very little talk from repul licans about home, right in our own county.

Question. Have you any idea that the body of the negroes believe it is nothing bu boys going around for sport?

Answer. I do not know what they believe.

Question. Do you think so?

Answer. I cannot think anything about it, because I have no information on the sul ject. As I have said here, several times, the two or three negroes who have talked wit me about it said that they thought it was the ghosts of confederate soldiers, and on said that he saw the holes that they came up out of, like locust holes.

Question. Do democrats speak of it lightly as the sport of boys?

Answer. They spoke of some cases where the boys in some instances had put shee about them and scared the negroes whom they saw on the road. I do not know that could call to mind more than one or two cases of that sort, and I could not locate tho cases.

Question. While the democrats speak of it in that light way, as the work of boy the negroes consider it the ghosts of confederate dead?

Answer. I do not talk to negroes generally; I do not hear them talk much abou such things as that.

Question. Do you not think there have been at least twenty men scourged in yo county within the last eighteen months by men in disguise?

Answer. I have no idea there has been any such thing; I have not heard of it. I g more information about these things in Washington than I get at home. I have me tioned all the cases that I now remember. I may have heard of some other cases th have escaped my recollection. I understand that by my oath here I am required tell all that I know, and that I have heard about it, and, therefore, I have told littl frivolous things that may seem ridiculous, and if I had consulted my own taste would not have mentioned them; but I thought that under the obligations of my oa it was necessary for me to tell these things.

Question. Do you not believe from the best of your information, from all you have heard, that there are not only in many parts of Georgia, as you have stated, but in other States, bands of disguised men who frequently do inflict scourgings at night?

Answer. I have heard, and I have read in the newspapers, of some cases of that sort in other States; and I have heard from various sources of some cases of that sort in our own State; I will not say that there are frequent occurrences of that sort in any one county. But if you gather up all that have occurred in the one hundred and thirty-two counties in the State for the last twelve months, and string them along as the governor did in his proclamation, it might appear like there was a great deal of disorder in the country; and if that was to occur every week there would be. I have no doubt, from reading the newspapers, that they have more cases of disorder in the city of New York in one week than we have had in Georgia for a year.

Question. They have a great many prosecutions in court in New York?

Answer. Yes, sir; but they have a great many cases where the criminals escape.

Question. How do you account for the fact that these men always escape who are in disguise?

Answer. Because they are disguised; I have said so once.

Question. Could not men in New York hide their crimes by disguising themselves as well as they do in Georgia?

Answer. I should suppose they could.

Question. Why do they not do it there as well as in Georgia?

Answer. I do not know why they do not.

Question. Can you account for its being done in Georgia, except that it has the approbation of the public sentiment of the community?

Answer. I cannot believe that it has. I have talked with leading men there, and I do not find any of them that will tell me they approve of it; I do not know of a respectable man who says he approves of these things. I have heard some respectable men say that since these visits at Watkinsville the negroes have quit patrolling the road, and there was not so much stealing there as there was. But I have never heard them speak in terms of approval of any acts of violence that have been committed.

Question. Persons who are disposed to commit crimes are generally sharp enough to know how to escape detection?

Answer. I should suppose so.

Question. Have you any theory in your own mind why it is that it is so prevalent in the Southern States that are under the reconstruction acts, for men to go in disguise and commit crimes, and almost without exception to escape prosecution, while that is not resorted to in other States?

Answer. I do not know; I have never thought about that; it is a new question to me, and I have no theory about it. It strikes me that it is a good plan to avoid detection.

Question. You have not heard of bands of disguised men being prevalent in the other States?

Answer. I do not remember having heard of it, but they may be there. There is no particular reason to make any great fuss over them if they are there; but in the South everything that has been done has been magnified, and caricatured, and exaggerated; that has been the general rule at least.

By Mr. BECK:

Question. As to your juries; how are they selected? Are they selected under your law by your judges, sheriffs, and other officials?

Answer. Yes, sir; the judge, the sheriff, the clerk, and the ordinary, I believe, are the officials to select the jury; the ordinary is a judge of one of our courts.

Question. Is it not the fact that in a very large number of your counties you have republican officials?

Answer. Yes, sir.

Question. And in very many instances those juries are selected by officials who are themselves republicans?

Answer. Yes, sir.

Question. Yet, so far as you know, they always select white men for jurors under their construction of the law?

Answer. They do in our portion of the State; I do not know of any colored jurors in our portion of the State. Of course, a negro can serve on a jury in our State if you find one as intelligent and discreet, and more so, or at least equally as much so as the white men.

Question. They are not kept off the juries on any partisan ground?

Answer. No, sir, not on any partisan ground.

Question. The republican officials themselves, as well as the other officials, keep them off?

Answer. Certainly. Mr. Akerman, as I believe, had this provision incorporated in our constitution for the purpose of improving our jury system generally.

Question. You were asked if negroes exercised the right of suffrage freely, or whether they were intimidated. Is it not the fact that with only eight or ten white republicans in your county, and with most if not quite as many whites as blacks in the county, the colored men have succeeded in electing two colored men from your county as representatives in your legislature?

Answer. Yes, sir; they have twice succeeded in that.

Question. Does not that indicate that they have voted their full strength?

Answer. Yes, sir; they have voted their full strength; and, as I said a while ago, they have voted more than their full strength in our county; they have imported voters from adjoining counties.

Question. So that in your county they have not been kept from voting?

Answer. In our county no negro has been kept from voting the republican ticket, but democratic negroes have been kept from voting; they were afraid to vote against their race generally, because they have been threatened if they did so.

WASHINGTON, D. C., *July* 24, 1871.

Hon. THOMAS HARDEMAN sworn and examined.

The CHAIRMAN, (Mr. POOL.) As this witness has been called by the minority of the committee, they will please commence his examination.

By Mr. BECK:

Question. Where do you reside, and how long have you resided there?

Answer. I reside in Macon, Georgia, and have resided there since 1832.

Question. What public or official positions, if any, have you ever held in the State of Georgia?

Answer. I represented my county some seven or eight years in the senate and house of representatives in the State legislature, and I have served one term in the Congress of the United States; I was for four years speaker of the house of representatives of our State legislature.

Question. Are you now practicing law?

Answer. No, sir; I was admitted to the bar and employed to defend a man, but they sent him to the penitentiary, and I quit.

Question. What are you doing now?

Answer. I am engaged in the commission and storage business.

Question. What means of information have you in relation to the condition of affairs in your part of the State of Georgia?

Answer. From the nature of my business, I am thrown in daily contact with people from fifteen or twenty counties in Middle Georgia.

Question. Macon is about the center of the State?

Answer. Yes, sir; it is the geographical center.

Question. The special object of this committee is to ascertain how far life and property are secure in the State of Georgia; what is the general condition of your people; whether the laws are enforced; if not, why they are not; and what causes have led to any troubles that may exist there. Go on now and give us a general history of the condition of your people there, without being specially interrogated on particular points.

Answer. Our people, I reckon, are as quiet as any people in the Union. We have no trouble at all; in fact, I have never seen but one little disturbance in our city, and that was a slight one, and was soon quelled.

Question. Are the laws administered in your courts with fairness?

Answer. We think so.

Question. Who is your circuit judge?

Answer. Judge C. B. Cole.

Question. What is his politics?

Answer. I do not know; he is a gentleman who has never taken any active stand in politics.

Question. How was he appointed?

Answer. He was appointed by Governor Bullock.

Question. Who is your attorney?

Answer. A gentleman by the name of Crocker, from an adjoining county; after he was appointed he removed to my town.

Question. He also was appointed by Governor Bullock?

Answer. Yes, sir.

Question. Are they supposed to be gentlemen who are republican in their proclivities at least?

Answer. Judge Cole was at one time nominated by the republican party to represent them in a convention; but he was then judge, and declined to have anything to do with politics. He has been judge on our circuit for several years.

Question. Have you had much lawlessness in the way of disguised m interfering with people in your region of Georgia? If so, state what it was.

Answer. I have never heard of a case there in my life.

Question. You think there are no organizations of that sort in your section?

Answer. Not to my knowledge; I have never heard of them.

Question. Can men of all political parties vote their sentiments without intimidation r fear of being interrupted?

Answer. They have been doing it all the time.

Question. Does your acquaintance extend over a number of counties in central eorgia?

Answer. Yes, sir; I expect I know as many people in central Georgia as any man in it.

Question. I will explain to you that you are not limited to what you know personally, ut you have a right to state anything in regard to which you have reliable information; hat you know personally, as well as what you know from others. You will, therefore, have much latitude in speaking of these things.

Answer. I heard Judge Cole, the judge of our circuit, say that he had as quiet a time n his circuit as he ever had before the war.

Question. What counties are embraced in his judicial circuit?

Answer. Bibb, Crawford, Houston, Twiggs, and, I think, Dooly, but I am not certain bout that.

Question. Your own acquaintance extends considerably beyond the limits of that circuit?

Answer. Yes, sir; my business being that of a warehouse-man, a receiver and storer f cotton, I am thrown in contact with people in all that cotton belt, embracing some wenty or thirty counties.

Question. Your information is that in all those counties your people are quiet?

Answer. I never have heard of but one case of violence within my knowledge, and hat was away down in the lower portion of the cotton belt, as we call it; that was he killing of a circus-man down there.

Question. In your portion of Georgia, you have no organized bands of men going bout committing lawless acts?

Answer. I have never heard of one in my life.

Question. White and black men vote the republican ticket just as they please?

Answer. The difficulty I spoke of just now was in reference to a black man voting he democratic ticket.

Question. I believe it is pretty generally the case that when a black man votes the emocratic ticket his race regard him as abandoning their position?

Answer. They did not so much at this last election; they did at the first election. here were no challenges allowed at all under the State law; everybody voted that anted to, and they were three days voting.

Question. What is the size of Macon, Georgia?

Answer. Macon and its suburbs contain about fifteen thousand inhabitants.

Question. How many does the city of Macon contain?

Answer. The city proper, I suppose, contains about twelve thousand.

Question. You are in the center of a densely populated belt of Georgia?

Answer. Houston County is the second or the third largest county in population that e have in the State, with the exception of a little county called Dougherty.

Question. The counties you spoke of are in this central belt?

Answer. They run down as far as Lee County; we have a great deal of trade from ougherty, Baker, Randolph, Early, and that region.

Question. And in the course of your business you are thrown in contact with a large umber of men from all parts of that section of Georgia?

Answer. Yes, sir; every day during the winter.

Question. And they represent everything orderly and quiet?

Answer. Yes, sir.

WASHINGTON, D. C., *July* 25, 1871.

ANDREW D. ROCKAFELLOW sworn and examined.

By the CHAIRMAN, (Mr. POOL:)

Question. Where do you reside?

Answer. In Atlanta, Georgia.

Question. What has been your business there?

Answer. At first I was in the revenue service; afterward I was connected with the estern Atlantic Railroad, and served upon that railroad until other business called e to Washington.

By Mr. BLAIR:

Question. The Western Atlantic is known as the State road?

Answer. Yes, sir.

Question. From what point does it run, and to what point?
Answer. From Atlanta to Chattanooga.

By the CHAIRMAN, (Mr. POOL:)

Question. State anything you know in regard to the preservation of law and o that locality.

Answer. I can say, to the best of my knowledge, that within the city of Atlanta has occurred that would cause any great excitement; but I know of persons w been what is popularly known as Ku-Kluxed in the counties of Morgan and I have the names of gentlemen whom I saw shortly after they had been per One of the names I have here is that of Mr. Monday Floyd, residing at Mad Morgan County. This gentleman was elected to the legislature, served dur last term of the legislature, and was also, I believe, a candidate at the last e His house was approached and shot into, and he was taken out; but that ev believe, they let him go without doing him any injury. But two or three e afterward he was again assailed. He then fled, and came to Atlanta, and h residing there ever since. He has been stopping with a gentleman named Mr. M has been staying there ever since that time. He occasionally goes home, but on a day or two.

Question. Was this attack on him committed by a band of men in disguise?
Answer. Yes, sir.
Question. How many were present?
Answer. I believe he said two persons came and rapped at the door. He ope One of them entered and asked whether Mr. Floyd was in. He said he was, a he was the gentleman. This man seized him by the collar and pulled him out door. In the scuffle Mr. Floyd got away, and went back into the house. Th ties left, but in an hour or two they shot into the house. I believe there was son hurt at the time—at least he was not. In three or four days after that the again.

Question. How many?
Answer. I do not know the number. Hearing of their being in the neighb Mr. Floyd fled to the woods, and came to Atlanta, where he has been staying on ever since.

Question. Have you any idea how many were in the crowd that came the time?
Answer. I have not. He did not know how many there were.
Question. Were there more than two?
Answer. He said there was a party of them; he saw them riding; he could distinctly, as it was dark, being about 9 o'clock.
Question. Did he see more than two the first night?
Answer. Yes, sir; he saw four. Two came inside, and the others were outside door. He saw four of them.
Question. When did this occur?
Answer. I presume it occurred some time in the month of December, 1870. T about the time the election was held in Georgia.
Question. What did they do to him the second night?
Answer. That was a few days after the first.
Question. What was done to him that night?
Answer. He heard of them; there was a gentleman came to his door and to they were in the vicinity, and he thought they were coming in that direction. had been down to his house when he was not there, and when he came back h told him that they were inquiring for him. When he heard of this he left, an with a friend, and the next day he went to Atlanta.
Question. Did they go to his house that night?
Answer. They did.
Question. What did they do when they got there?
Answer. He not being there, they left. The next case is that of Mr. Alfred R son. As that gentleman has been, I believe, before the committee, I do not whether it will be necessary for me to say anything about his case. But I wounds, which were received, as he said, from these organized bands. As soo was able to move he came to Atlanta.
Question. How was he wounded?
Answer. As he claimed, he was shot. He was in the house, and the balls through the building. He was inside when they shot him.
Question. Where did the balls strike?
Answer. I believe one struck him in the side or hip, and another in the leg, as I can recollect. He described the wounds to me when he came to Atlanta, was as soon as he was able to move.
Question. Do you know the character of Mr. Richardson; is he a man of goo acter?

Answer. Yes, sir; he is a man of good character, so far as I know. I saw him in the legislature at Atlanta, and I never saw him drunk or in bad company.

Question. Do you know what character he bears in the community in which he lives?

Answer. I do not, as I am not personally acquainted with any person residing close by him. In fact, I never made it my business to inquire, as I had no occasion to do so. When I saw him he always conducted himself as a gentleman, and I never had any occasion to inquire into his character.

Question. What other case do you know of?

Answer. I have a memorandum of the case of Abraham Colby. This gentleman resides in Greene County; he is now a member of the legislature; was elected at the last election, and was a member before. I know that this gentleman was compelled to leave his home, and is now residing in Atlanta. I saw him just before I came to Washington.

By Mr. BLAIR:

Question. Where is his home?

Answer. In Greene County. He represents that county.

By the CHAIRMAN, (Mr. POOL:)

Question. Why did he leave his home?

Answer. The reason he gave me was that he was threatened and had to leave.

Question. Threatened by whom?

Answer. By persons known as these organized bands around the neighborhood. As he told me, there was a note left at his house asking him to leave. I know him personally. He is a very stout gentleman, and, of course, could not get very far if any person came after him; so he took due notice and left. He is now residing in Atlanta. He and the gentleman I before referred to, Mr. Floyd, are both living in one house. Occasionally Mr. Floyd goes to Madison, but he does not remain there more than two or three days at a time. I know these gentlemen personally, having had some business with them.

Question. You do not know whether Mr. Colby has ever been attacked?

Answer. No, sir; he has never been injured in any way. As I have stated, he is a heavy, stout gentleman, and could not get along very well if attacked; so he took due notice and left. That is the statement he gives to me.

Question. Do you know of any other case?

Answer. No; I have not the names of any other persons who I know have been injured or outraged in any way.

Question. How far do you live from the counties in which these cases occurred?

Answer. I live in Atlanta; I could not say just the distance, not being very well acquainted with the counties.

Question. One hundred miles?

Answer. I presume it is. You can tell by looking at the map what the distance is. I never inquired particularly where those counties are located. These cases are from Morgan County and Greene County. Mr. Colby is from Greene County, and Mr. Floyd lives in Madison, Morgan County, or, rather, that is where he claims he cannot now live.

Question. Have you seen and conversed with persons from other parts of the State?

Answer. I believe I have conversed with almost every member of the legislature—I dare say with every member of the legislature of both parties, democratic and republican. I am personally acquainted with almost all of them.

Question. From what you have learned upon such authority as you place confidence in, what is the condition of things in the other parts of Georgia? State whether there is any disorder, and whether there are any combinations of men to violate the law.

Answer. I think this only applies to different sections of the State; I do not think these organizations exist all over the State. As for Fulton County, I do not know that there has ever been anything of that kind committed there.

Question. Is Atlanta in Fulton County?

Answer. Yes, sir. I never knew of any of these Ku-Klux organizations ever committing outrages there. Of course, persons have occasionally been killed in that county, but I do not think it was done by disguised bands.

Question. Have you information from others as to the state of affairs in other parts of the State?

Answer. My information from there is that such organizations did exist, and I believe they do now.

Question. In many counties?

Answer. In the region particularly known as the "Black Belt." In that region I believe they prevail more than in any other portion of the State.

Question. How large a region of country is that?

Answer. I cannot just say.

By Mr. BECK:

Question. Is not Macon about the center of that belt?

Answer. Yes, sir; down about there. For instance, here is Macon, [illustrating by the map,] and Mitchell, Bullock, Burke, and those counties down there are among those I refer to.

By Mr. BUCKLEY:

Question. Does that "Black Belt" extend across the State?

Answer. No, sir; not altogether. I am speaking now of Burke County. I know that such organizations exist there. A friend of mine now in the city, from there, who was a member of the legislature, so informed me.

By Mr. BLAIR:

Question. Does that include Savannah, Chatham County?

Answer. No, sir; I know nothing of anything of that kind about there.

By Mr. BECK:

Question. Is Columbus in it?

Answer. Well, it runs up about there.

By the CHAIRMAN, (Mr. POOL:)

Question. Name the counties where you have heard of such things?

Answer. [Referring to map.] Here is Macon, Webster, Randolph, Baker. It is along from Muscogee County down to Sumter, Calhoun, and Chattahoochee. That is the section where I know those persons to live, from whom I have heard these things.

By Mr. BLAIR:

Question. Have you heard of any outrages in Chattahoochee County?

Answer. Yes, sir; I have heard of some there, and about Milledgeville—about the jails there.

By the CHAIRMAN, (Mr. POOL:)

Question. Have you been present and witnessed any elections in the State of Georgia?

Answer. Yes, sir; I was present at the last election. I was at the polls during the three days of the election, from morning to night, with the exception of the time they had me arrested.

Question. Was the election conducted fairly?

Answer. No, sir; by no means.

Question. Was any intimidation used?

Answer. Yes, sir.

Question. State anything you know in regard to that.

Answer. Well, sir, I was present at the three days' elections held in Atlanta, at the court-house of Fulton County.

Question. When?

Answer. In December, 1870—the 20th, 21st, and 22d of December, if I am not mistaken. The first day the election went all right. Every person was allowed to go up and vote freely. There was no intimidation, and no person interfering. The second day, about 12 o'clock, the door was blockaded by the police.

Question. What door?

Answer. I will describe that. The ballot-box was in the council-chamber, and we had to pass in a door in order to vote. There was a hall running clear through, and another running the opposite direction; one running east and west, and the other north and south. In the southwest corner was the council-chamber, where the ballot-box was. We passed in at the east entrance, and when we got about half-way in the hall, the door went into the council-chamber. By that door we had to pass into the council-chamber, and up to a rack, where the managers were with the ballot-box. After that we passed out at the other side of the council-chamber. We could pass out at either the south or the north door of the building. The first entrance into the court-house was occupied by the police.

By Mr. COBURN:

Question. How wide was the entrance to the hall?

Answer. About five feet wide, and the width of the hall was between five and eight feet.

Question. How large was the council-chamber?

Answer. I judge it was about twenty-five feet by thirty, very nearly square. The police on the first day had charge of the door I have described; but nothing was done to interfere with voting. All persons, black and white, and I presume both republicans and democrats, could go and vote. The first day things were very quiet, and there was every prospect of a fair election. The second day, about 12 o'clock, intimidation commenced. As soon as colored men came up to vote they were shoved back. The police would take them by the breast and push them back. We had to go up four steps to get to the hall, and the police stood on the stairway. Whenever there was a crowd

the colored men were shoved off the stairway. If a man was standing there who was supposed to vote the democratic ticket, he could pass in; if a white man came up, no matter whether he was going to vote the democratic or republican ticket, he could pass in; but colored men could not. That was kept up on that day, I presume, two or three hours. It ceased in the afternoon, and then all were allowed to pass in. The next morning, being the third day, as soon as the polls were opened they would not allow any person in; the polls were choked up; the police took possession of the door, and would not allow any person, either black or white, to enter. Excitement prevailed, and men complained that they could not vote. The United States marshal was sent for. He immediately sent up a detachment of soldiers, about forty. They came, and stacked their arms at a church close by. The United States marshal said that the polls would have to be opened and men allowed the privilege of voting. For half an hour everything was all right; the entrance was opened and men passed in. By that time the democratic party began hauling men up in wagons, hacks, and everything of that kind. They had an express-wagon, with four horses, which was bringing men up. When these soldiers were brought there they were drawn up in line in front of the main entrance to the ballot-box. When colored men wanted to go up to vote, the United States marshal said, "Gentlemen, you will have to clear this entrance." When the soldiers were first brought up these policemen and some leading citizens (I have the name of a gentleman who I can say was the leader of this operation; he was elected to the legislature from Fulton County) went up as the soldiers came in, and got in the door. They took off their caps and began to yell, "Three cheers for Bull Run," and "Hurrah for Manassas," and then they added a "tiger," as they called it. They would shout in this way to the soldiers who were standing there. The United States marshal went and asked them to clear the entrance. They stood back and let him pass in. After he passed through the door it was blockaded just as badly as ever. They said, "Let the men get in two ranks and everybody may pass in." All the voters then there, black and white, arranged themselves in two ranks, extending nearly half a square, and commenced voting, and things went on peaceably for half an hour.

By the CHAIRMAN, (Mr. POOL:)

Question. Who said, "Hurrah for Bull Run?"

Answer. The policemen stationed at the door—the city policemen. There were a great many special police appointed that day by the mayor to preserve order.

Question. Were they in the interest of either party?

Answer. Those policemen were working in the interest of the democratic party; they were all democrats; that was done in the interest of the democratic party. Those soldiers were withdrawn and taken down to the church, where they were before. Then certain gentlemen, wanting to influence these soldiers, sent them boxes of cigars. I tried to learn the names of the persons who sent them, but I was not able. But boxes of cigars were sent to the soldiers, and also a basket of cakes. These the officer did not admit. He said that their rations would be there if they staid there long enough to require any. The cigars were passed around, and the soldiers began to get opposed to going up to the court-house. When they were called upon to go up some of them began to curse. Of course they could not resist, as there was an officer in command, a first lieutenant. They were taken up again.

Question. Why were they taken up again?

Answer. Men could not vote; it was absolutely necessary to take up the soldiers. No person could pass in unless he voted the democratic ticket. They had then shut down on even white men going in if they were known to be republicans. Persons who they knew would vote the democratic ticket were allowed to pass in. The republican managers seeing this, of course sent down for the soldiers; the soldiers were again brought up in line. We again formed the voters in two ranks, in order to get the crowd away from the door; hardly any person could get up there on account of the crowd. To the best of my knowledge, there were three or four hundred persons waiting to vote, both black and white. There was a guard at each side of the first entrance, a guard midway of the hall, one at each side of the hall, and two at the door where voters had to pass into the council-chamber; these guards remained there about twenty-five minutes, and then persons were allowed to pass in and vote. The police were rearing around outside; they said that this could not be; that the mayor had sent them to keep order, and they were going to do it. The democratic managers all began to rear. They said, "This is a free country, and we don't require a guard when we are holding an election." They demanded of the United States marshal that those guards should be removed. After some quarreling the United States marshal removed the guards and took the soldiers again to the church, where they stacked arms. It was not twenty-five minutes after that before the thing was just as bad as ever, the crowd coming there to vote and nobody allowed to go in.

Question. Who prevented them from going in?

Answer. These policemen—democrats. The democrats were coming up in wagons, hacks, and carriages as fast as they could. The managers had made a rule that no person

should pass in the rear door to vote. But when the democrats came up—merchants of the city, aristocrats—they would not take their turn and go in with the colored men to vote, but were allowed to pass around the other way, come in at the back door, and pass right up to vote, when they had been there only five minutes; whereas, if a man was known to vote the republican ticket, he had to squeeze in and take his chance with the colored men, staying there an hour or two before he could get his vote in. A wagon would be driven right up to the back door, and some twenty or thirty men would jump off and pass in the back way. There was a guard of police stationed there. There was a railing across, and the regulation was that no person should be allowed to crawl underneath that railing. But when these men would come up they would stoop down, pass underneath, and go in, while there were colored men waiting in crowds at the other door. All the time that men were coming in at this back way and voting, they would not allow the colored men to come in. Toward the last the crowd of colored men and others saw these men passing in and called out, "They are passing in the back way." For a while the police would shut down on some twenty-five or thirty and would compel them to go around; and then again it would be as bad as ever. I can take an oath that, to the best of my knowledge, between three and four hundred persons, both black and white, did not get an opportunity to vote; whereas, if things had been done peaceably and fairly, every man that was there could have voted. There was nothing to hinder it; there was ample time, if there had not been so much time lost in these confusions and contests. That was their object.

Question. You mean three or four hundred persons of all parties?

Answer. Of all parties. I suppose that some democrats as well as others did not get to vote, because they may have been among those who were waiting their chances. Those who understood the dodge and got in the other side were able to vote, of course. But I can take my oath that, to the best of my knowledge, between three and four hundred persons at that one poll did not get a chance to vote. There was another poll at West End. I have here the name of a gentleman who was at the head of all this. He was a captain in the confederate army—Captain Harry Jackson. He is now a member of the Georgia legislature; will take his seat at the next meeting of the legislature.

Question. Was he elected at that election?

Answer. Yes, sir. To show how these things work, I will mention that the other day Colonel Benjamin Green, from Dalton, Georgia, who is stopping over in Carroll Row, No. 12, learning that I was in the city, sent word through a friend of mine that he would like to see me. Not knowing the gentleman or his business I called on him, taking a letter of introduction from my friend. We had quite a long conversation. After he found out my business and what course I had pursued at the last election, it ended in his ordering me out of his room, saying that he did not have any use for any such persons. I was giving a description of the different tickets voted at the last election. Said he, "Did you vote the ticket with Blodgett's photograph on?" I said I did. He said, "I want you to leave my room."

Mr. BLAIR. We do not want to hear such stuff as this.

By the CHAIRMAN, (Mr. POOL:)

Question. The committee desires only to hear from you such things as bear upon the condition of affairs in the State of Georgia. Do you know anything else connected with the main subject about which you have been speaking?

Answer. No, sir. I do not know anything else that would benefit the committee any. So far as I am concerned, I have never been molested myself. I was active in the last election.

Question. Have you knowledge of any rioting in the streets of Atlanta?

Answer. Yes, sir. We did have a riot at the last municipal election. There was a gentleman arrested on a charge that he had voted illegally. I was then residing in the Fourth Ward of Atlanta. I was at the polls, right opposite the guard-house.

By Mr BLAIR:

Question. When did this occur?

Answer. The election was held in November, if I am not mistaken; I think it was just before the election for members of Congress and members of the general assembly I think a week or two before.

Question. A municipal election?

Answer. Yes, sir. There was a riot on that occasion; the colored men and some of the whites came there to take the man who had been arrested; the lieutenant of police said to me, "We are going to have a riot; they have arrested a man, and some parties are going to attempt to take him." I saw them coming down there with axes, picks and shovels; I suppose they ran with whatever they happened to be working with some had planes and hatchets.

By the CHAIRMAN, (Mr. POOL:)

Question. You mean the colored men?

Answer. Yes, sir; colored and white; I went over and asked what was wrong; the lieutenant of police said, "They have arrested a man up here, and these men have come to take him out; we may have a riot; but you can stop this thing." When they first came there, there were, I presume, three hundred persons in the crowd, and the number was steadily increasing; I spoke to them and asked them what they wanted; they said, "They have arrested one of our men for voting illegally, as they say." I said, "You had better stand back and let us have a fair chance; if this man has been arrested, we will bail him out." General Gartrell, myself, and others were ready to bail him out. General Gartrell said to me, "You had better keep those men back; things will be serious." I told them to go on the other side of the road and remain there till we heard what was the trouble; they all went back from the guard-house and staid on the other side of the road; we went to the lieutenant and asked whether the man could be bailed out; he said he thought so, but he would send to the mayor; the mayor said that he could be bailed out; General Gartrell and Mr. Snyder, a candidate for council, offered to go on his bond. After the policemen found that there were men ready to go on his bond, they would not give him up. There was a white man heading this riot; I do not know his name. The lieutenant pointed to him and said, "There is the man who is heading this riot." Said I, "You had better not do anything now; things will be serious here; there are too many stones right about here." Right near there were ruins of buildings, and almost every person had a piece of brick in his hand. I said, "I think we can stop this without serious difficulty." I and other republicans kept telling the crowd to go back, and we would get this man out. I suppose we were parleying with them for half an hour. After that one of the lieutenants came up and said, "There is the man who is heading this riot, and we are going to arrest him." I said, "If you attempt to arrest that man there is going to be trouble, and I don't propose to have anything to do with it." Just as I said that, the policemen went for that man, and the crowd commenced upon the police with clubs and stones, and they commenced firing pistol-shots. I ran into the guard-house. The bullets were then coming through. It was a brick building, which had been used at one time as a market-house, and there were large doors, and the bullets were coming in where I was standing. Finding I was in danger there, I went into the office and sat down under a table, to keep from being hit by the bullets. There was only one other person there besides myself. When I looked around I saw a gentleman standing there with a pistol out. He said to me, "Here is another radical son of a bitch, and I am going to shoot him." He was about half tight. One of the policemen stepped up and said, "No, you won't; that man has done more to keep this riot down than any other person." "Well," said the man, "that don't make any difference; he is a damned radical." The policeman said, "We are for peace; we want a peaceable election." This policeman was a democrat, but he protected me. The gentleman followed me round, and said he was going to shoot me. The policeman said to him, "If you don't behave yourself, I will lock you up." He still continued to say that I was a damned radical, and that he was going to shoot me. The policeman finally took him to the guard-house, and kept him there till everybody had gone away. The next day I saw the gentleman, and he apologized for what he had done; he said he had been tight.

I know of no person dying from the effects of wounds received in that riot, but there were seven or eight men wounded. The policemen tried to take the man whom they saw leading the riot; the other men began to pitch into them with clubs and sticks, and they fired. The rioters then fled. I think some seven or eight were wounded; I know of three or four who were shot in different places.

Question. You mean some of the rioters?

Answer. Some innocent men were shot. One gentleman standing away off looking on was shot in the knee. He had nothing to do with the riot. I don't think any of the rioters were shot. Those who were shot were innocent persons standing close by. This gentleman who was shot in the knee was driving a hack; he left the hack standing up the street and came down to see what was wrong. He was standing a square off when a ball hit him in the knee. His name is Brown.

By Mr. COBURN:

Question. What did you say was the nature of the notice received by these men who had to leave their homes—the man who left Greene County and the other who left Morgan County?

Answer. Mr. Colby, the man who left Greene County, received a notice that he must leave; that he could not live there.

Question. What was the notice to the man in Morgan County?

Answer. He received a similar notice. He did not leave the county altogether. He goes home occasionally, but does not remain there permanently. He lives with Mr. Colby, in Atlanta.

Question. What are the politics of those men?

Answer. They are republicans; they were elected on the republican ticket. Mr Colby was reëlected a member of the legislature at the last election by the republican Mr. Floyd was a member before.

Question. You said that at the election in Atlanta, which you have described, many were prevented from voting? Did anybody of any politics complain of being prevented from voting? If so, what were the politics of the men who thus complained?

Answer. They were republicans.

Question. Did you hear any democrats complain?

Answer. No, sir, I did not. They did not complain. Although I knew some of the men who could not vote, they did not say anything.

Question. How many persons do you think were prevented from voting?

Answer. To the best of my knowledge, between three and four hundred. Among them, I presume, were some democrats. I saw the crowd that was standing there; they tried three or four times to get in their votes and could not. Every person was trying to take his chances the best he could, but, in fact, there was no chance at all.

By Mr. BLAIR:

Question. Were you at the polls during the entire election?

Answer. I might have been absent two or three hours a day.

Question. What were you doing there all that time?

Answer. I was issuing out tickets and seeing that men were voting the republican ticket, the best I could.

Question. During the three days?

Answer. Yes, sir. As I say, during two or three hours each day I was off on other business—to see that certain men were brought in to vote. The first day I was there the greater part of the day.

Question. There was no disturbance at all then?

Answer. The first day the election went on very well; we make no complaint of the first day. Had it gone on the other days as well as on the first day we would have been very well satisfied. I must say the first day's election was as well managed as an election could be anywhere.

Question. Were there other polls in the city?

Answer. No, sir; not in Atlanta. There is a small village outside called West End; there was a poll there. There was no poll in the city except at the court-house, and, in fact, there was only one ballot box. Voters passed in at one door and out at another.

Question. Who appointed the election officers?

Answer. Governor Bullock. They were such gentlemen as Roderick Badger, Denison Hammon, J. W. Mills, and other gentlemen whose names I cannot recollect now.

Question. They were republicans?

Answer. This Roderick Badger was a colored man and was supposed to be a republican. Mills was a white man and was supposed to be a republican. I made a mistake in what I just now said about the manner of appointing these officers. The governor appointed three and the ordinary two. The governor appointed Badger, Mills, and another gentleman, whose name I cannot recollect. The ordinary appointed Doctor Alexander and another gentleman whose name I do not remember.

Question. You say you were in attendance at the polls through the entire election?

Answer. Yes, sir; the greater part of the time.

Question. You say that the polls at the time you complain of were not closed to every person—some persons were allowed to go up?

Answer. The polls were not closed; but this entrance of which I speak was closed. The colored men were not allowed to go around the other way. As soon as the colored men began to go around there, they shut down on any person going through that way and all had to go in the other entrance. But at this entrance from the north, when the colored men did not know of it, the white people were allowed to go in. They did not stop a white republican if he went around and wanted to go in that way. But a colored man could not pass in at that entrance.

Question. Were you at both the entrances?

Answer. I passed in at one entrance and around to the other. I stood watching the proceedings to see who went in there. I saw men coming in express wagons and carriages. Some of them were merchants. I knew their politics; I knew all about them. Those gentlemen would come to the back door in carriages, &c., and would come in. Some of them with whom I was acquainted I would speak to. I said to some of them, "You cannot get in here; you will have to pass around the other way." Captain Jackson, who took a prominent position there, would say, "Oh, yes, he can come in;" and then he would wink to the police to let that gentleman pass under the railing and to the door. I saw Captain Jackson taking a position there. I took a position there myself awhile to see who were coming in there. I found them to be all his friends. I went around and got three or four colored men to go up there and try to go in. When they got to the railing they were not allowed to go through; they were told they must pass around the other way. That brought up a difficulty between me and this other

ntleman. I said to the captain, "Why is it that some men can pass under the railing ere while others cannot?" He said, "These gentlemen are in a hurry." I saw persons getting up around me, and I just made up my mind I had better keep quiet; so I id. It was not a very good place for me to speak in.

Question. What was the majority at that poll?

Answer. I have it here in figures; but I would not like to give it as evidence because cannot give it exactly.

Question. Give your recollection of the result.

Answer. General Young's majority was four or five thousand in the district.

Question. I am speaking of that particular poll.

Answer. Well, I cannot say exactly.

Question. Do you not know what the majority at that poll was?

Answer. I do not recollect.

Question. Was it large?

Answer. Yes, sir; quite a large majority; but the majority for the legislature was not large as for congressman. I think it was only two or three hundred to the best of r recollection.

Question. When did you go to Georgia to live?

Answer. I have been living at Atlanta about a year. I have resided in the State cteen or eighteen months.

Question. You were not a voter at the last election?

Answer. Yes, sir; I was a voter. I voted at the last election.

Question. How long had you then resided in the State?

Answer. Eight months. It requires six months residence in the State to vote; I lieve that under the law of Georgia, six months residence entitles a person to vote.

Question. Where did you go from when you went to Georgia?

Answer. From Pennsylvania.

Question. You say you were employed upon the State road under Mr. Blodgett?

Answer. Yes, sir.

Question. How long were you in his employ?

Answer. Between three and four months.

Question. In what capacity?

Answer. I was in the freight department.

Question. How was the business of the road during the time you were employed there?

Answer. It was pretty good; but in the fall of the year it is generally better.

Question. Was it very good?

Answer. Yes, sir; very good.

Question. Was it good as compared with former years?

Answer. O, yes, sir; just as good, I believe.

Question. Just as good as it was in previous years?

Answer. Yes, sir; I paid some attention to it; and I think it was.

Question. Are you still employed upon that road?

Answer. No, sir; I am not employed upon the road at present. I came here on some business, and I now expect as soon as the cars are in operation to serve as a mail agent.

Question. You expect to get appointed as a mail agent?

Answer. Yes, sir.

Question. On what road?

Answer. On the new line they are now arranging going through to New Orleans by way of Chattanooga.

Question. Then you are here looking out for a mail agency?

Answer. I have other business while I am here. The first business I had was as an applicant, among others, for the postmastership of Atlanta, Georgia.

By Mr. BECK:

Question. Where were you when you were first employed by Mr. Blodgett?

Answer. I was in Atlanta.

Question. How long had you been there?

Answer. About four or five months.

Question. What had you been doing before that time?

Answer. Before that time I was partially engaged with the revenue; and after that was engaged with a gentleman in a patent right known as a flour cooler. I believe he gentleman is from Minneseta.

Question. In what way were you engaged in the revenue?

Answer. I was only temporarily employed by General Kryzyanoski.

Question. In what way?

Answer. As a detective.

Question. Were you a detective in the revenue service?

Answer. Yes, sir.

Question. What were your special duties as detective?

Answer. I was employed by him to go into a certain section of country to see about

distilling peach whisky—peach brandy as they call it. It took up my time about two weeks, I presume.

Question. You were what is commonly known as a spy?

Answer. Yes, sir.

Question. To pretend to be one thing and in fact to be another?

Answer. No, sir; that was the only thing I went for. I was directed to visit two or three places and see what they were doing.

Question. That was your first appearance in Georgia?

Answer. Yes, sir.

Question. What is your age?

Answer. Twenty-five.

Question. What had you been doing in Pennsylvania before you left there?

Answer. I was engaged in the grocery business.

Question. In what capacity?

Answer. I carried on business myself.

Question. Where?

Answer. In Lancaster, Pennsylvania.

Question. How long had you been at that?

Answer. Two years, I presume.

Question. Why did you quit that business and go to Georgia?

Answer. I quit that a year or two before I went to Georgia, on account of not being able to get a store at the same rent I had got one for before.

Question. And your first employment in Georgia was as a detective in the revenue service?

Answer. Let me say that I went to Georgia with an understanding for another position. There was a gentleman named Brady whose position I was to take.

Question. As what?

Answer. I believe he was serving as a clerk in the fourth district under Mr. Atkins.

Question. In the revenue department?

Answer. Yes, sir; I found there was some difficulty between him and Mr. Atkins, and so I did not press the matter. I expected then to go into business; and I waited two or three weeks to see how things were. I was disappointed in some money matters, and was not able at that time to go into business; so I was employed at whatever I could find for the time being.

Question. Did you detect anybody during your service in the revenue department?

Answer. No, sir.

Question. After that what did you go into?

Answer. I was acting as an agent for Mr. Wells, from Michigan or Minnesota. He had a flour cooler he was introducing. I was acting as agent for him for two or three months, up to the time I was employed by Mr. Blodgett.

Question. Mr. Blodgett employed you about what time?

Answer. I suppose about the 1st of October, 1870.

Question. And you were kept in his employ till when?

Answer. I was kept until the road was leased to the lessees who now have it in possession.

Question. Were you located at Atlanta all the time as freight agent?

Answer. No, sir; as clerk in the freight department.

Question. Did you get your employment through Governor Bullock or through Mr. Blodgett himself?

Answer. I got it through Mr. Burnett, the candidate for Congress.

Question. Were you at that time taking an active part in politics?

Answer. I was, and always had been ever since I was fifteen years old.

Question. You commenced on Georgia politics as soon as you got there?

Answer. Yes, sir; as soon as the time came I did.

Question. Before Mr. Blodgett had employed you?

Answer. Yes, sir.

Question. And Mr. Burnett, who was a candidate for Congress, used his influence with Mr. Blodgett to get you a place?

Answer. I presume he did; it was given to me anyhow.

Question. Is it your opinion that Mr. Burnett got you the position?

Answer. I suppose he got me the position.

Question. Because of your activity for him as a candidate?

Answer. No, sir; I do not think he got it for me on any such pretension as that; I think he got it because he was a particular friend of mine before he was a candidate.

Question. Had you known him before you went to Georgia?

Answer. No, sir; I got acquainted with him shortly after I went there.

Question. Do you remember what was the ground of that particular friendship in that short time?

Answer. Well, I had very good letters, which I showed him, from reliable parties. Sometimes we take more liking to one person than another; and I suppose that was

the way in this case. I took a particular liking to him, and I presume it was the same way with him.

Question. When did the election take place?

Answer. In December, 1870.

Question. While you were still in the employ of Blodgett?

Answer. Yes, sir.

Question. You say that the republican tickets had Blodgett's picture on them?

Answer. Yes, sir; they had, one day.

Question. Why was Blodgett's picture figuring on the tickets? Do you remember?

Answer. Well, he was not a candidate for any office.

Question. That is the reason I ask why his picture was put on the tickets.

Answer. I presume it was done to make him popular.

Question. When he was not a candidate for any office, can you understand why he should be made prominent in that way, and his picture put on the ballots?

Answer. I can give my ideas on that question, but I cannot give them as evidence.

Question. I want your information about that; you probably know as much about this as about those outrages reported to you by men who came from other counties to Atlanta.

Answer. One object, I presume, was to make him popular—to call every person's attention to Mr. Blodgett, so that in case he should become a candidate for anything every person would know who Colonel Blodgett was.

Question. Who had that done?

Answer. I presume it was done by the State central committee; they were the parties who furnished the tickets, I believe, though I knew nothing about that myself.

Question. After the road was leased you were deprived of your place as a clerk in the freight department?

Answer. Yes, sir.

Question. What did you then go at?

Answer. Shortly after that I was an applicant for the position of postmaster; and shortly after that I came to Washington. I have been here now very nearly three months.

Question. You were summoned by this committee while you were in Washington?

Answer. Yes, sir; I was summoned while here.

Question. Did you come and ask to be summoned?

Answer. No, sir; I did not ask to be summoned. I was talking to a gentleman, telling what I knew, and I suppose he had me summoned.

Question. You became an applicant for the position of postmaster?

Answer. Yes, sir; on the recommendations I have here in my hand.

Question. Did you become an applicant immediately after the election?

Answer. No, sir.

Question. Immediately after the leasing of the road?

Answer. No, sir; I had been an applicant for some time.

Question. What business had you been employed in?

Answer. I had not been engaged in any business; I was not expecting to go into any, as I expected to come to Washington as soon as I got through with matters pertaining to the position of postmaster. I did not, in fact, have any time to go into anything else.

Question. And you have been prosecuting your application until the present time?

Answer. Until about a month or two ago.

Question. Somebody else got the appointment?

Answer. No, sir; the same person has it now.

Question. You have not succeeded in trying to get him out?

Answer. No, sir; I have not.

Question. Is the present incumbent a republican or a democrat?

Answer. I cannot tell you. I would not like to vouch for him either way.

Question. By whom was he appointed?

Answer. By the President.

Question. You have not succeeded in removing him up to this time?

Answer. I have not, but I expect to, some time.

Question. And you expect to get in yourself?

Answer. No, sir; I do not.

Question. Then your effort is a failure, so far as your own appointment is concerned.

Answer. If I could have got it for myself last winter, I would have taken it; now I do not want it.

Question. What position do you want now?

Answer. I don't know that I want anything particular; anything that I can make a living at.

Question. Are you making application to the President for anything?

Answer. No, sir; I have made no application for anything but postmaster. I have been offered a position on this mail route, and I expect to take it.

Question. You expect to be mail agent?
Answer. Yes, sir.
Question. On what route?
Answer. From here to New Orleans by way of Chattanooga.
Question. Then you have abandoned your citizenship in Georgia?
Answer. No, sir; I have not. My family is still in Atlanta. I do not expect to abandon my citizenship there. According to what I know now, I expect to reside there as long as I live.
Question. Were you arrested during the election of which you have spoken?
Answer. Yes, sir.
Question. By whom?
Answer. By the managers of the election, I presume.
Question. Who were they; the men you have named?
Answer. Some of them.
Question. A majority of them were republicans; were they not?
Answer. No; I don't think they were. Three of them were appointed by the governor, but one of those has since been elected mayor. I don't know whether he is a republican or not; he may be. I did not vote for him, and of course I do not think he is a republican.
Question. Three out of the five were Governor Bullock's appointees?
Answer. Yes, sir.
Question. The other two were appointed by the mayor of Atlanta?
Answer No, sir; by the ordinary.
Question. The probate judge, as we would call him in other States?
Answer. Yes, sir.
Question. Those men arrested you?
Answer. No, sir; they ordered me arrested.
Question. How long were you kept under arrest?
Answer. Two or three hours, I presume.
Question. What were you arrested for?
Answer. I did not know what they were arresting me for at the time. I was afterward released. I went to the managers and asked them what they had arrested me for. I said, "I would like to know the cause of my arrest." One of the judges said carelessly, "Well, make it something; let it go; charge him with attempting to vote men illegally;" and he made out the warrant and sent it up to the acting United States commissioner. I gave bond in the sum of $500. The object was to keep me from working at the election on that day, as the judge afterward told me. Two or three days afterward I said to the judge, "Do you still entertain the opinion that I was attempting to vote men illegally?" He said, "O, no; you know what that was for; that is all right; it is all over now."
Question. Was he one of the republican judges?
Answer. No, sir; a democrat—Dr. Alexander.
Question. Did the republican judges unite in the order for your arrest?
Answer. I do not know, sir; I did not hear. Dr. Alexander is the man in whose name the warrant was taken out.
Question. Was that the third day of the election?
Answer. The second day.
Question. During the first day had not the colored men in Atlanta voted twice as many votes as the white men?
Answer. I do not know whether I can say the colored men; but I must say the republicans were greatly ahead the first day. Everything was going along nicely.
Question. Had they not formed themselves in line and taken possession of the polls?
Answer. No, sir. Men could go there and vote and would not have to wait. This was the case until afternoon or evening. I suppose I voted about 4 o'clock. There was a crowd when I came up to vote; there were a good many democrats there. They were coming away from their business and coming to vote. They would shove men clear out to the other side of the house; I suppose it was not that they were trying to keep other men from voting, but they wanted to vote themselves.
Question. Whom would they shove?
Answer. Every person.
Question. Did not the republicans vote twice as many the first day as the democrats got a chance to vote?
Answer. I cannot say that.
Question. They voted largely more?
Answer. They voted some more than the democrats.
Question. What is the population of Atlanta?
Answer. I presume it is between twenty and twenty-two thousand.
Question. Which race has the majority, the whites or the blacks?
Answer. I think the whites have.
Question. Largely?

Answer. Not largely.
Question. In the city of Atlanta what number of white republican voters had you?
Answer. I am not able to state that exactly.
Question. How close can you come to it?
Answer. Well, I am not prepared to give an estimate.
Question. Had you five hundred?
Answer. I would not like to say that.
Question. Had you a hundred?
Answer. Yes, sir, we had a hundred; I will say that.
Question. Do you think you had many more than a hundred?
Answer. We may have had more than a hundred.
Question. Was not that very nearly the limit of your white republican voters in Atlanta?
Answer. No, sir.
Question. About what would they number?
Answer. I will say about two hundred.
Question. And yet during the first day the republican ticket was largely ahead?
Answer. I cannot say largely; we were some ahead.
Question. On the second day you were still ahead at night?
Answer. I think we were some ahead the second day—no, I think about 4 o'clock we began to lose.
Question. And on the third day how did the vote stand?
Answer. I do not know how it stood; I know we were out.
Question. About how many?
Answer. We were beaten from two to three hundred on almost every ticket.
Question. The average was about two or three hundred?
Answer. I think so, to the best of my knowledge.
Question. You have never been personally disturbed or insulted there in any way?
Answer. No, sir; I can say that I have never been disturbed.
Question. Yet you have been an active politician from the time you went there?
Answer. I have been an active politician and I have never been disturbed. I have had threats made to me by persons.
Question. You commenced to be active in politics as soon as you got into the State?
Answer. Two or three months afterward.
Question. And from that time on you were exceedingly active?
Answer. Yes, sir; as much so as any person.
Question. And you did this without any molestation?
Answer. I have never been molested myself. I give credit where credit is due.
Question. And you became, in about a year after you had been there, an applicant for postmaster of a city of twenty-odd thousand inhabitants?
Answer. Yes, sir.
Question. And you got into the revenue service immediately?
Answer. Yes, sir; that was partially understood when I left Pennsylvania.
Question. You got to be, in a few months, one of the employés of the State road owned by the State of Georgia?
Answer. Yes, sir; I was employed there.
Question. And you became an extremely active politician—as active as anybody—a decided republican?
Answer. I claim to be.
Question. You attended the polls all the time?
Answer. Yes, sir.
Question. You were not a candidate yourself?
Answer. I was not a candidate, and I don't know that I ever expected to be.
Question. And you were pushing up the colored men on every occasion?
Answer. No, sir; every man, colored or white, that I could get to vote.
Question. And all this was done without any disturbance to yourself?
Answer. I have had threats made to me; but I have never been disturbed.
Question. The portion of the State where you hear of most disturbances is in the Black Belt?
Answer. Yes, sir.
Question. Of which, you say, Macon is the center?
Answer. No, sir. I do not suppose it is the center; I would say Columbus and down in Muscogee.
Question. Columbus and Macon are both prominent cities in the Black Belt?
Answer. Yes, sir.
Question. And those are the points where you think there has been the most disturbance?
Answer. No, sir, not in Columbus.
Question. But in that belt of country?
Answer. Yes, sir.

Question. Can you tell us of a human being whom you have heard of as being whipped or killed within the last two years within one hundred miles of Columbus?

Answer. Perhaps I can if you will let me have that map.

Question. Take the map and give us information of any man whom you have heard of as being killed in that region since 1869.

Answer. [Examining the map.] I am looking for a place where a gentleman I knew was killed; but I am not positive as to the place; I will let it go for what it is worth.

Question. You cannot name any such case?

Answer. I have heard; but I have no right to give testimony of what is simply hearsay.

Question. Yes, I am asking you now to state what you have heard. Who have you heard was killed within two years past, within one hundred miles of Columbus?

Answer. The gentleman to whom I refer was a member of the senate; I am trying to think of his name; perhaps I can think of it in a minute. He was a member of the Georgia senate?

Question. Do you mean Ashburn?

Answer. I have heard of him, of course; but that is not the gentleman I refer to.

Question. That case was in 1868; and I am asking you about the last two years.

Answer. Well, I think the case of this gentleman occurred in 1867.

Question. Of course there were killings in 1867 and 1868; I am asking you about the last two years.

Answer. Well, then, I have nothing to say; I find I cannot say positively.

Question. Have you heard of any person either whipped or killed within the last two years in Savannah, or in any of the twenty-nine counties which compose that congressional district?

Answer. I will testify as to those gentlemen whose names I have mentioned; but those are the only ones I can state positively—the only ones I can testify to on oath. I could mention other things on hearsay.

Question. Then you confine your statement to the cases of Abraham Colby, Monday Floyd, and Alfred Richardson—the three you have spoken of?

Answer. Yes, sir.

Question. Do you know of any case of Ku-Kluxing anywhere in the neighborhood of Macon, within the last two years?

Answer. I will only testify as to the counties of Morgan, Greene, and Clarke, in which occurred the cases of the gentlemen I have referred to.

Question. As to the "Black Belt," you do not propose to testify particularly?

Answer. I will testify to nothing from my personal knowledge.

Question. Give us a case you have heard of.

Answer. I have heard that spoken of as a pretty rough place; that I can testify to; and I believe it is so.

Question. I would like you to mention any case which you know of, by hearsay or otherwise, in that belt of country.

Answer. If I had made myself familiar with that section of country——

Question. If you can give any such case, give it; and if you cannot, say so.

Answer. I will say that I cannot.

Question. Monday Floyd was not injured, I believe?

Answer. He was not injured that I know of; he told me that he was not.

Question. Abraham Colby was not injured; he left on notice?

Answer. He left on notice; the description of the notice I am not able to say; he did not show me the notice.

Question. Those two men are living in Atlanta, claiming that they are afraid to go home for fear of personal injury?

Answer. Yes, sir.

Question. Your own personal knowledge extends no further than to Atlanta and Fulton County?

Answer. I can state what those gentlemen told me; and from other information I have the best reason to believe their statements are true.

By the CHAIRMAN, (Mr. POOL:)

Question. You were asked if you could give the names of any parties who had been injured in certain sections of the State. Have you heard of cases where the names have escaped you?

Answer. I have heard persons' names mentioned, and I have seen cases referred to in the papers; but it would not be fair to say on oath who those parties were and to what county they belonged, as I did not have any occasion at that time to take any particular notice.

Question. But you have heard of cases of whippings where you have not now a recollection of the names of the parties?

Answer. Yes, sir. If I could refresh my memory and refer to documents, I think I could testify better on that point.

Question. We have no objection to your refreshing your memory, if you have the documents with you.

Answer. I have not them with me.

Question. Have you heard of any cases of whippings, without any regard to names?

Answer. I have.

Question. In that "Black Belt?"

Answer. That and other portions of the State.

Question. Have the cases of whippings you have heard of been numerous?

Answer. I presume they have not been numerous. I have heard of three or four cases, to the best of my knowledge.

Question. Cases of persons whipped by parties in disguise?

Answer. Supposed to be, according to the information given to me.

Question. Have you heard of these disguised men riding about in different portions of Georgia?

Answer. I have.

Question. Within the last twelve months?

Answer. Yes, sir, within the last twelve months.

Question. In many portions of the State?

Answer. No, sir. I can say this: I saw a note, which was left with Mr. Burnett, at a hotel in some village in Floyd County, I believe, where he was going to make a speech. That was just before the election. He got there one evening, went to bed, and I believe he says about 12 o'clock there came a rap at his door, and he was told that some gentlemen wanted to see him. He says he heard the bugle blowing, and heard the noise of persons outside. He went to the window, raised the curtain, and saw, he says, as many as eight or ten persons, mounted on horses. He looked out and said to his friend, "There are the Ku-Klux." They sent for him to come down. He went downstairs, stood on the porch, and asked them to come there, and take their caps off and show their faces. None of them spoke, but they blew their horns, and rode off. The letter that was left for him he had. I believe Governor Bullock is now in possession of that letter. I believe Mr. Burnett told me, when he was here, that he gave it to the governor.

Question. What was the purport of that letter?

Answer. I did not read it, but he told me it was that he should leave the place by 8 o'clock the next morning; that if he did not, some person would wait on him.

Question. You are allowed to state here what you have heard from other people, if you have reason to believe it to be true.

Answer. I have the best reason to believe this was true, because I saw the letter. I did not read it. Mr. Burnett had it in his hand when he was telling me, and he read to me the words, "You will have to leave at 8 o'clock to-morrow morning," or words to that effect. I had no curiosity to read the letter.

Question. Did Mr. Richardson and Mr. Floyd tell you they knew of men being whipped by Ku-Klux?

Answer. They said they knew of men being whipped.

Question. How many—one or more?

Answer. They did not say the number; they said they knew of persons being whipped.

Question. In their locality?

Answer. I cannot speak as to the county where it occurred. I have had conversations with them time and again about these things. I was an active politician, but was never molested myself. I was anxious to know something about these matters.

Question. Did you hear of any cases of whipping by disguised men?

Answer. I did hear of them.

Question. From other persons besides Floyd and Richardson?

Answer. Well, I have heard it spoken of generally. I would get up in the morning sometimes and read the cases in the papers, and I would hear other persons say such and such a case occurred in certain sections of the State; and they would ask me if I noticed so and so in the papers about such a person being waited on at his house.

Question. Have these cases been frequent?

Answer. They were during the last election—more so just about election time than at any other time.

Question. Have they been frequent in different parts of the State?

Answer. Different parts of the State.

Question. Have they been more frequent in that "Black Belt" than elsewhere?

Answer. There and in those counties where the gentlemen live that I have been speaking of. It appears to be pretty bad in Greene County, according to what they say.

Question. You say you heard that this Black Belt was a rough place?

Answer. Yes, sir.

Question. Rough in what respect?

Answer. Rough in regard to these organizations—the organization known as Ku-Klux, &c., and for persons who were active in politics.

Question. Active, how; as democrats?

Answer. No, sir; when I say active in politics I mean as republicans. I never heard of a case yet where any person molested or abused by the Ku-Klux, belonged to the democratic party. Those who have been Ku-Kluxed have always been republicans. When we hear of any person being hurt, and inquire as to his politics, it is said he is a republican, or has been a candidate for such and such an office.

By Mr. BECK:

Question. Give us the date when you went to Georgia.

Answer. I went to Atlanta in May of last year, if I recollect right.

Question. A year ago last May?

Answer. Yes, sir.

Question. You went directly from Pennsylvania to Atlanta?

Answer. Yes, sir. I had been at Dalton before, and came back and went home, and then went to Atlanta.

Question. Your first residence in the State as a citizen was at Atlanta in May, 1870?

Answer. Yes, sir; the last of April or beginning of May.

By Mr. BLAIR:

Question. The election took place in December, 1870?

Answer. Yes, sir.

By Mr. BECK:

Question. Does it not require a year's residence in your State before a man can vote?

Answer. No, sir; only six months. There were plenty of people who would have deprived me of my vote if they could have done so. When you look at the constitution you will find that I am correct. If I had not had the right to vote I should not have attempted to. I do not approve of any person voting when he has not the right to vote, whether he votes the republican or the democratic ticket.

WASHINGTON, D. C., *July* 26, 1871.

AMBROSE R. WRIGHT sworn and examined.

The CHAIRMAN, (MR. POOL.) Some member of the minority of the committee will examine this witness first.

By Mr. BECK:

Question. State your place of residence, and your profession.

Answer. I live in Augusta, Georgia; I am a lawyer by profession, and I edit a newspaper, the Chronicle and Sentinel.

Question. Tell the committee how long you have resided in the State of Georgia, and what public positions you have held there.

Answer, I was born within forty miles of where I now live, in the county of Jefferson—an adjoining county. I have been there thirty-five or forty years; I have never held any public office. I was an elector on the Fillmore ticket in 1856, and on the Bell and Everet ticket in 1860, and I was defeated in both elections.

Question. Have you quite a general knowledge of the people and of the condition of things in your region of country?

Answer. I think I know the people of Georgia well, more particularly in the eastern portion, that portion embraced in the fifth congressional district in which I live, lying along the Savannah River.

Question. You have had a great deal of intercourse with the people in your section of the State?

Answer. I am very familiar with the people in that section of the State. I have practiced in ten of the counties in that district; I am regularly, twice a year, in each county. The people trade in the county where I live, and I know them very well; I know the people generally. I have canvassed the State, and know all the people of the State very well.

Question. We are endeavoring to ascertain how far outrages are being committed in the State of Georgia; what is the general condition of your people as a law-abiding people or otherwise; how far life and property are secure; and if, from any cause, they are not secure, what is that cause. State the general condition of the people in your country in regard to law and order, as fully as you can, without being particularly interrogated.

Answer. Well, sir, the condition of affairs in Georgia is good. The laws, so far as I know, and my information is very general, are enforced by the courts; there is less crime there now, and there has been less for the last twelve or eighteen months, perhaps, than for any other time within the last ten or fifteen years. There is a general disposition among the people to attend to their own business, to try and rebuild their

fortunes which were broken down by the war. Immediately after the war society was very much disorganized. Just after the close of the war the negroes were educated to regard the whites of the South as their enemies, and made to believe that southern native whites would put them back into slavery if they could. We had no courts; our judicial system was destroyed; we had nothing there but military government. The negroes, who had just been emancipated, were very lawless, thinking they would be supported by a class of men who had come down there to teach them—a class that we call carpet-baggers; and there was a great deal of crime at that time. Since then, however—well, since 1868—there has been a very marked and decided improvement in the condition of affairs there. I think to-day Georgia is as peaceable and as law-abiding a State as there is, perhaps, in the Union. I hear occasionally of an isolated case of violation of the law, but wherever it occurs the parties are prosecuted and convicted.

Question. Tell us how the judges, the attorneys, and prosecuting officers throughout the State are appointed, and what is the politics generally of the men who are in power over you in judicial offices.

Answer. Under the constitution of 1868 the appointment of judicial officers was vested in the governor, by and with the consent and advice of the senate. The governor has appointed the three judges who constitute our supreme court; he has appointed twenty circuit judges, and twenty solicitors-general, as we call them, one for each judicial circuit.

Question. Prosecuting attorneys?

Answer. Yes, sir. We have an attorney-general of the State, and officers we call solicitors-general, one for each judicial circuit; they are appointed by the governor. Then we have a district court system; there ought to be forty-four of these courts; one for each senatorial district in the State. I think some districts were exempted in the organization of these courts, so that there are but twenty and some odd of those district courts. The governor appoints the judges of those district courts, and the district attorney and prosecuting officer. Under our old system we had for each militia district in the State two justices of the peace, elected by the people. The State was divided into counties, and the counties were subdivided into militia districts, and there are something over a thousand militia districts in the State. Under the new constitution the people are permitted to elect one justice of the peace in each militia district, and the governor appoints a notary public, with the powers of a justice of the peace, for each militia district. The whole judicial system, therefore, is in the hands of the governor, and every officer in the State connected with the judiciary has been appointed by Governor Bullock.

Question. And they have generally been his political friends?

Answer. I presume so; so far as I know they are. I believe, though, in one or two circuits, in two of the twenty circuit courts, the judges that he has appointed are nominally democrats.

Question. Something has been said by divers witnesses, speaking of Georgia affairs, about your juries not being, perhaps, composed of the right sort of men. How are your juries selected?

Answer. Well, under the old law, before the adoption of this new constitution, our juries were selected from the list of tax-payers, by the clerk and sheriff of the county and the judges of the inferior courts. The inferior courts were abolished, and under the new system, each judge of a judicial circuit appoints three jury commissioners, who, with the clerk of the superior court and the ordinary of the county, are the jury commissioners, who are required to select from the most worthy and intelligent citizens of the county such names as they deem best fitted to go into the jury-box. These three persons selected in each county by the judge of the circuit, and the ordinary and clerk of the county, are the jury commissioners.

Question. So that practically in your State the republican party, through their officials, have the selection of the juries?

Answer. Why, certainly, yes.

Question. Grand juries as well as petit juries?

Answer. Grand juries as well as petit juries. The present officers, the ordinaries and clerks of our courts, were elected in 1868, at the first election under the constitution, when the State went for the republican party, or they so counted. We said Bullock was never elected, and we think so still. But in the different counties the ordinaries and clerks were elected at that election, and were generally republicans, and they are yet in office. All three commissioners in each county have been appointed by republican judges.

Question. And they have the right to select your juries?

Answer. They select just such names as they please, and no one else has any authority over it at all.

By Mr. BLAIR:

Question. They could put the names of negroes in the jury-boxes?

Answer. They have done that in the county in which I live. There were one hundred and forty-odd names of negroes on the jury-list, so I saw it stated publicly; and

I believe the names of two hundred and some odd white persons. I have seen negroes on the jury there. I remember one jury that had three negroes on it, though generally they are not on the juries. I think that in the county in which Augusta is situated, in Chatham County, in which Savannah is situated, in Bibb County, and perhaps in Atlanta, the commissioners have put negroes upon the jury-list; I think they are about all the counties where the commissioners have put any negroes upon the jury-list.

By Mr. BECK:

Question. In the larger cities you have more intelligent negroes?

Answer. Yes, sir. The constitutional provision is that jurors shall be selected from the most worthy and intelligent men of the community. When you get out into the country districts the most worthy and intelligent men are among the whites, and there are a large number of white people whose names are not put in the jury-boxes.

Question. Because, in the opinion of the officer, they have not the qualifications required by the constitution?

Answer. Because they do not possess the qualifications required by the constitution. In some of the counties perhaps one-half, and in others perhaps one-third, of the white people are not put in the jury-boxes.

Question. Is the county of Warren in your congressional district?

Answer. It is, and I practice law in that county. The county-seat of Warren is about fifty miles from where I reside.

Question. We have had before us a witness, who was at one time the sheriff of that county, and he gave us a number of cases of outrages committed there. The witness named was J. C. Norris.

Answer. I know him very well, and I have known him twenty years. He was a shoemaker in Warrenton before the war.

Question. He spoke particularly of Dr. Darden. I want you to give us the facts relative to the killing of Dr. Darden, the causes that led to it, his political status, and all you know about it.

Answer. I think it has been three years since Dr. Darden was killed; if I am not mistaken, it was in 1868. That was not a political difficulty at all; the facts of that case are about these ——

Question. Was not Dr. Darden a republican?

Answer. No, sir; Dr. Darden was a democrat.

Question. Was Wallace an editor?

Answer. Yes, sir; an editor of the newspaper there.

Question. What means have you of knowing that Dr. Darden was a democrat?

Answer. I knew him well; I have his own word for it. I was in correspondence with him just before his death; he was a subscriber to my paper.

Question. If Mr. Norris spoke of him as a leading republican he was very much mistaken?

Answer. I cannot suppose that Mr. Norris would have said that Dr. Darden was a leading republican.

Question. If he did say so he was mistaken?

Answer. O, most decidedly he was.

Question. Go on with your statement of the case.

Answer. That was not a political difficulty; there was no politics in it at all; they were both of the same party. As I understand the facts, Dr. Darden had applied to join a Masonic lodge in that town, of which Wallace was a member, a little over a year previous to the killing, and had been rejected; two black balls had been thrown against him. He waited until a year had passed; I believe, by the rules of that fraternity, a person has to wait a year after rejection; I am not familiar with it. At least, he waited until some of his friends, and conspicuously Dr. Neeson, informed him that the opposition to him on the part of those two members who had black-balled him before had been overcome; they disclosed to him that Wallace was one; the other name has escaped my mind, I cannot recollect it. But they represented to him that both had withdrawn their opposition, and that if he would renew his application he would be admitted. The application was renewed, and with the same result as in the case of the original application; he received two black balls.

Question. Dr. Darden was again black-balled?

Answer. His second application received the same result, two black balls.

Question. I want to call your attention to this to see if you may not be mistaken. My recollection is that Mr. Norris testified before us that Wallace had applied to the lodge for admission, and that he had been black-balled, as he believed, by Dr. Darden; that thereupon he swore that he would kill Darden for black-balling him. That is not true, is it?

Answer. I think Norris is mistaken.

Question. It was Darden who was black-balled and not Wallace?

Answer. That is my recollection. And then Darden became very violent, supposing he had reason to be, having been assured that this opposition to him had been with-

wn. He thought he had been exposed by the duplicity of Wallace, to having his ne again rejected; he thought he had been outraged, and he was very indignant l very abusive. Wallace edited a little paper in town, and there was some correndence between them on the subject, and a very bitter feeling was gotten up on ount of the rejection of Dr. Darden, and his conception of the bad treatment he received from the hands of Wallace and this other gentleman. That went on for e time, and the controversy was very acrimonious and very bitter. Finally Dr. den shot Wallace.

uestion. State the circumstances of that, because we have had some controversy it the circumstances connected with that killing, and we want to know them as understand them.

nswer. The facts as I understand them are these: that early in the morning, as Wal- was standing on his stoop, at his office door, Darwin walked down the street arently in search of him, with a double-barreled gun in his hand; that before Wal- saw him or knew of his presence, Darden fired on him, and then fired the second , killing him. It was a cold-blooded assassination, and so considered by the peo- there.

uestion. Was it generally believed by the people to be an assassination?

nswer. Yes, sir; a cold-blooded, premeditated assassination.

uestion. The shot was fired without Wallace seeing him?

nswer. Yes, sir. There had been that provocation which I have stated to you, that ing of Darden that he had received an outrage at the hands of Wallace.

uestion. Consequent upon that killing, what was the condition of the people there; at was their feeling about it?

nswer. The people were very much outraged. It is a very peaceable community, l the people were very much outraged. Darden was put in jail for his protection, t that night some people there went and took him out of jail and killed him, to give to you in few words.

Question. Was there any particular attempt made that night to kill Norris?

Answer. None that I ever heard of.

Question. Did you ever hear of disguised men going to his house, and hunting for m that night, in order to murder him?

Answer. No, sir.

Question. There was no rumor of that sort in town afterward that you know of?

Answer. Subsequently to that Norris reported that he had been attacked at his house, d had been shot at.

Question. I am speaking of the night when Dr. Darden was killed.

Answer. Not then; it was subsequent to that.

Question. On the night that Dr. Darden was killed, was any attack made on Mr. orris?

Answer. I never heard of it. I think I should have heard of it if that had been the se.

Question. There was no rumor existing of such a fact?

Answer. No, sir. I know of no reason why they should have wanted to injure Chap orris, at that time; I knew of no bad feeling against him.

Question. You say that so far as you have heard, there was no rumor even that such thing was attempted upon him the night that Dr. Darden was taken out of jail?

Answer. No, sir.

Question. Norris himself was shot at; what do you know about that?

Answer. Nothing, except the rumor at the time. I think Norris was struck; I think was shot with small shot; that is my recollection. The perpetrators of that act ve never been discovered, so far as I know; he has been very active in attempting ferret them out.

Question. He was also maltreated by some men of the name of Cody?

Answer. Yes, sir. He charged two of the young Codys with being of the party that ot him. Cody was arrested in June, I think—May or June in 1868—by the military thorities, and carried to Atlanta and put in prison there. He was tried there, and ostensible offense for which he was arrested was, I think, the shooting of a soldier. hink he was charged with shooting one of the garrison there. He was tried by a litary court and was acquitted; but it was generally believed that Norris had made pretext of the charge against him for shooting a soldier, and this arrest was really cause of the difficulty on the part of Norris, who said that Cody was of the party at shot him, though he was not tried for that offense. He was kept in prison there, hink, for four or five weeks.

Question. What is the general character of Norris in your community?

Answer. Well, before the war, Chap was a pretty good boot-maker; he lived in the wn, and made shoes for the people. I remember that on one occasion there was a se in court, in which he was a material witness, and his credibility was attacked d successfully attacked by the leading citizens there, who swore that they would t believe him on his oath. He has never been a man of any standing or respectality there whatever.

Question. Was he successfully impeached as a man not to be believed on oath, ev before the war?

Answer. Yes, sir; this case occurred before the war, or perhaps about the beginn of the war—no, I think it was as far back as 1858 or 1859. He has been consider rather a worthless sort of character about town.

Question. Is that his general character now?

Answer. O, yes.

Question. That he is a man not worthy of belief on his oath?

Answer I do not think you would find a dozen men in his county who would say they would believe him on his oath. I do not say that because of the fact that he belongs to the republican party; I think that was the case before the war.

Question. Do you know anything about the history of a note that Norris holds, signed by Swayne, Hill, and others?

Answer. Swain, Ivey, and Hill are the three parties who signed the note. I know this; some time subsequent to the killing of Darden, and the killing of Adkins, State senator from that county, Chap Norris went down to Warrenton with a squad of militia—I think a whole company—for the purpose of making the arrest of parties whom he charged with killing Darden, the parties he charged with killing Adkins, and the parties he charged with shooting himself. The Codys had been carried to Atlanta and kept in confinement there a long time, and had to pay very heavy lawyers' fees to get out. These parties, Hill, Ivey, and Swain, and a number of others, were those he designated he was going to arrest. He intimated to them or told them. I don't know which, that for a certain sum they would not be prosecuted. Some of their friends came to Augusta to consult with me as to the propriety of buying Norris off. I advised positively against it, because I thought I knew Norris was a man who was powerless, that he would do them no harm, for no one would believe him. But they became afraid that he had at least the power to arrest them, and would take them to Atlanta and put them in the sweat-boxes, and they concluded to buy his peace, and gave him that note in consideration that they were not to be arrested.

Question. Did those men themselves who gave you that note consult you about it?

Answer. No, sir; I think it was a mutual friend of these men who came down to see me. I think I saw Mr. Ivey subsequently—I am sure I did—and I gave him a pretty severe rasping for having gone contrary to the advice of his friends in the matter. This was the excuse they gave for it.

Question. You think the men who gave the note were the parties he was about to arrest?

Answer. Yes, sir; he had designated them and some two or three others, as those he was going to arrest, and this note was given to avoid the arrest. They regarded the arrest as being in itself a very severe punishment—the being taken off by the military and carried away from their families, and put in cells at Atlanta.

Question. Mr. Norris was very emphatic before us in saying he had no reason to suppose that any of the three men on that five-thousand dollar note given to him were in any way implicated in those transactions. You think he did certainly threaten them with arrest?

Answer. I can see no reason why they should have given the note, except for that. They sent to me in Augusta, and consulted with other friends as to what course they should pursue, whether they should give the note to Norris and avoid being arrested. I have no hesitation in saying that the note was given for that purpose.

Question. I wish you would give us also, so far as you know them, the facts in the Adkin's case, and the date of that case?

Answer. I cannot be precise as to dates. It was long subsequent to the killing of Darden, and if I mistake not, it was in 1869, the early part of the year. I saw Mr. Adkins the day before he was killed; he was on his way from Washington, where he said he had been, and was then returning home. From the best information I can get in regard to the killing of Adkins, I think he was killed by the relatives of a young lady to whom he had offered a gross insult. I was at the Columbia court in March, 1869, I think, just preceding the killing of Adkins. Adkins lived on the line of Columbia and Warren. While at the Columbia court a letter was submitted to me, in the handwriting of Adkins, addressed to a reputable and respectable woman in the county of Columbia, immediately upon the line. It was submitted to me by the friends of the lady, who were very much incensed at it, and who were disposed to take personal vengeance on him. I advised against that course.

Question. Was that letter one making dishonorable proposals?

Answer. Yes, sir; and it made reference to dishonorable intercourse between them previously. She had been staying at his house, so the letter stated, and that I believe was the fact; she had been on a visit to his wife and daughter. He made some vague allusions in the letter to something that had transpired between them while she was at his house, and insisted upon illicit intercourse with her.

Question. That letter came into the possession of her friends?

Answer. O, yes, sir; a distant relative of hers submitted it to me, and I think it was

known to several other gentlemen, leading members of the bar there, and their advice was taken; and all concurred in giving the same advice that I did, at least I know two gentlemen did, that they ought not to notice it. It was but a short time after that, I think the first time he was seen there, that he was killed.

Question. He was believed to be killed on that account, by the friends of this young lady?

Answer. Yes, sir; I believe two of them who were suspected, have both been killed since, have met violent deaths. They were worthless, desperate men, bad men in the community.

Question. There was no politics in that case?

Answer. If there was any politics, it was this: Mr. Adkins was very odious to them here, on account of his affiliation with the negroes; his social equality with the negroes. Perhaps that may have influenced these parties to take the law into their own hands, knowing that he was under the ban of good society there; to that extent politics was in it, but not further. Doubtless it is true that if he had been a man of high position in society there, considered a reputable man, they would not have killed him.

Question. Was there ever a time in Georgia when the brothers and friends of a respectable girl, who had received a letter of that sort, would not have killed the writer of it; at least, in the majority of cases?

Answer. Yes, sir; I think that is true of the people of the South. They are very jealous in their protection of the character of their female relatives.

Question. And whatever other causes may have led to his death, that cause at any time would have been considered a sufficient excuse by a large portion of your people there?

Answer. Yes, sir; I think so.

Question. Will you now tell us whether, in your practice in the courts, any unjust or improper discriminations were made against negroes, because of their race, color, and previous condition; or whether they get fair justice when they are tried before your judicial tribunals? Give us any facts you may, as a lawyer, know on this subject.

Answer. Well, sir; I have thought and still think, that there has been a mawkish sensibility on the part of your people, down there, in asserting the rights of the negro; they have gone further, in the protection of the rights of the negro, in a number of cases, than I think they were justified in doing. They seem to have been afraid that they would not do the negro justice, and they have leaned over the other way. I have noticed this in their trials in civil cases, in cases between them and whites; also, in prosecutions of petty offences, in which the juries have invariably, whenever they could get any evidence at all to acquit, acquitted them. I know that it has been charged that a white man cannot be punished in that State, and in that district, for the killing of a negro. I know that is false. I know of two white men who very recently have been convicted of the killing of negroes; one I prosecuted myself, and he was convicted of manslaughter. There had been a true bill for murder, but the evidence did not show a case of murder, and the verdict was for manslaughter. Although I prosecuted the case, I thought that that verdict was sustained by the evidence, that he was guilty of manslaughter. The judge of the circuit gave him the extreme penalty of the law, imprisonment in the penitentiary. The other was an indictment for murder also; the evidence showed it to be a case of murder. There were some palliating circumstances, but the jury found him guilty of murder, and he is sentenced to be hung on the first day of September. And let me state that while these trials were going on there, in that very county of Washington, where these two men were indicted, tried, and convicted, one for murder and one for manslaughter, twelve white citizens of that county were arrested, charged with an assault and battery on a negro, carried to Savannah, one hundred and thirty miles away, under the Ku-Klux law; and they were kept down there in the military barracks or prison for several days, tried before the United States commissioner, General Swayne, and a carpet-bagger of the name of Lee, and after full investigation, those twelve white men were acquitted.

Question. They were taken from the county of Washington?

Answer. They were taken from the county of Washington, were the assault and battery was alleged to have been committed. They were tried the very same week that these cases of murder were tried in the State courts.

Question. Was there any reason why they could not have been tried at home, and punished, if found guilty?

Answer. None whatever; and I have no doubt that if they had been tried in Washington, and there had been sufficient evidence to convict them, they would have been convicted. I know of another case in that county, and that is a county in which it is reported there have been a number of Ku-Klux cases. We could hear of them only through the newspapers. I remember a remarkable instance there: There was a young man of the name of Flournoy, a very worthy young man, very much beloved, a member of the legislature, and one of the few in the legislature of 1868 who came out without the smell of fire on his garments; he was considered an honest man, although he

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es, sir; I think so.
Will you now tell us whether, in your practice in the courts, any unjust or
scriminations were made against negroes, because of their race, color, and
ndition; or whether they get fair justice when they are tried before your
unals? Give us any facts you may, as a lawyer, know on this subject.
Vell, sir; I have thought and still think, that there has been a mawkish
ın the part of your people, down there, in asserting the rights of the negro;
one further, in the protection of the rights of the negro, in a number of cases,
k they were justified in doing. They seem to have been afraid that they
lo the negro justice, and they have leaned over the other way. I have
s in their trials in civil cases, in cases between them and whites; also, in
s of petty offences, in which the juries have invariably, whenever they
ny evidence at all to acquit, acquitted them. I know that it has been
t a white man cannot be punished in that State, and in that district, for the
negro. I know that is false. I know of two white men who very recently
convicted of the killing of negroes; one I prosecuted myself, and he was
f manslaughter. There had been a true bill for murder, but the evidence
w a case of murder, and the verdict was for manslaughter. Although I pros-
ase, I thought that that verdict was sustained by the evidence, that he was
ınslaughter. The judge of the circuit gave him the extreme penalty of the
ınment in the penitentiary. The other was an indictment for murder also;
e showed it to be a case of murder. There were some palliating circum-
; the jury found him guilty of murder, and he is sentenced to be hung on
7 of September. And let me state that while these trials were going on
at very county of Washington, where these two men were indicted, tried,
ed, one for murder and one for manslaughter, twelve white citizens of that
e arrested, charged with an assault and battery on a negro, carried to Savan-
ndred and thirty miles away, under the Ku-Klux law; and they were kept
in the military barracks or prison for several days, tried before the United
nissioner, General Swayne, and a carpet-bagger of the name of Lee, and after
ıation, those twelve white men were acquitted.
They were taken from the county of Washington?
hey were taken from the county of Washington, were the assault and bat-
leged to have been committed. They were tried the very same week that
of murder were tried in the State courts.
Was there any reason why they could not have been tried at home, and
f found guilty?
Ione whatever; and I have no doubt that if they had been tried in Wash-
there had been sufficient evidence to convict them, they would have been
I know of another case in that county, and that is a county in which it is
ıere have been a number of Ku-Klux cases. We could hear of them only
ı newspapers. I remember a remarkable instance there: There was a young
name of Flournoy, a very worthy young man, very much beloved, a mem-
egislature, and one of the few in the legislature of 1868 who came out with-
ll of fire on his garments; he was considered an honest man, although he

had been in the Georgia legislature of 1868. A negro was indicted for an assault with intent to murder; young Flournoy was the lawyer who defended him; the negro was acquitted, and Flournoy took the negro on his plantation, two miles from the village, to work out for him his fee, as the negro had expressed some gratitude for his services. He was tried in March, and in June he shot Mr. Flournoy. The people were very much outraged, and it was with great difficulty that the populace were prevented from lynching him on the spot; but the leading people prevented it, and he was put in jail and took his trial. The evidence did not show a case of murder, and he was convicted of manslaughter. I know of another case, a case which occurred in Burke County: A negro was charged with the killing of a man by the name of Adkins Lewis, a very respectable and worthy gentleman. Mr. Lewis was most brutally murdered in a field. The evidence showed that the negro had procured a long, eleven-inch saw-file the evening before, had taken it to a grindstone and ground off both edges of it, making a dagger of it, and had put a handle to it; that he carried it into the field with him the next morning; and that when Mr. Lewis came into the field, he attacked him and cut him in twenty-three different places with that murderous weapon. There were two colored men indicted for that offense. The negro who was charged with actually committing the murder was convicted; the negro who was charged with being guilty in the second degree, with having helped to sharpen the knife, and who was present when the act was committed, was defended by myself, and acquitted. The weight of the evidence rather showed that he was not a participant in the crime, and he was acquitted. I could go on and give a number of just such cases as that, which have occurred in my practice there, to show you that, so far as that portion of the State is concerned where my practice extends, the negro is just as fully protected by the laws as a white man—just as fully, and, indeed, a little more so.

Question. Have you had changes made in your law reducing the grade of offenses?

Answer. Yes, sir; and I ought to have spoken of that.

Question. What has been the effect of that upon your people?

Answer. Since the war, all our grades of larceny, and there are several hundred species of larceny, have been reduced from felony to misdemeanor, and the punishment to a fine or imprisonment, or both, at the discretion of the court. Before the war all these cases of larceny were punishable by imprisonment in the penitentiary, but our people thought we could not build a penitentiary large enough to hold all these offenders against the law. I suppose that was one reason why they reduced the punishment. All of the grades of arson and burglary, except burglary and arson in the night-time, have been reduced. One of the grades of rape, "attempt to commit rape," has been reduced. For several hundred offenses in our State the grade has been reduced from felony to misdemeanor, and the punishment from imprisonment in the penitentiary to fine or imprisonment in the county jail, either or both, in the discretion of the judge.

Question. That you think was done principally to prevent the severer punishment falling upon the negro race particularly?

Answer. I think the motives that influenced the legislature were that the negro had just been emancipated, that during the existence of slavery these little thefts and larcenies were punished by their owners, and that the negroes were perhaps not aware of the enormity of those offenses under the law. It was therefore in tender consideration of the negro himself that these offenses were mitigated.

Question. Is it a fact that in negro communities you have a great deal of that sort of stealing?

Answer. Yes, sir; chicken stealing; hog stealing; cow stealing, the stealing of clothes and money—stealing of all sorts. There is no end to the variety of larcenies committed. Previous to emancipation all these petty larcenies were punished by the owner of the slaves and never referred to the courts.

Question. There was also a great deal of pilfering in slavery times?

Answer. Yes, sir. I do not think that since the war there has been more of it than before. We hear more of it in the courts, because, as I have just stated, before the war the courts did not take cognizance of those things. I think the negroes, as a class, have been behaving remarkably well, and are still behaving remarkably well. There are a few turbulent characters, particularly about cities and large towns, that are bad men, but there are bad white men, too. But, as a class, the negroes have behaved remarkably well, in my opinion.

Question. As a general rule, how have your white people treated the negroes in your region of Georgia; what has been their general treatment of them?

Answer. The treatment of the negro has been improving. Just after the close of the war the white people were very much irritated, and I think there was a very general disposition, not perhaps a general disposition, but a disposition among the people to rather overreach the negroes in making trades with them, and for labor. That was attempted principally by selling them goods and supplies at enormous prices. That has been done away with generally; but, in regard to labor and money transactions with them, I occasionally hear of an isolated case here and there, but it amounts to little or nothing in the aggregate. The negroes seem to be contented; more contented

now than I have ever known them. There is a better condition of feeling between the races there now than there has been before, since the war.

Question. A great deal has been said about negroes being obliged to go to the towns and villages for protection from the people in the more sparsely settled portions of the country. Do you need their labor in the country?

Answer. Yes; we have no other labor than theirs. Instead of running off the labor, it is the interest of the planters and of the men in the country to keep the labor there and make it contented. And they endeavor to do so. They put up school-houses, furnish them with their little supplies at moderate prices, give them stock, a cow and calf, for instance; let them raise pigs and poultry, and send what they raise to market for them. They encourage them all they can to stay on the plantation and work their crops. But there is a class of restless negroes who run into the towns and try to live without work. Their idea is that they can live there, set up a little trading place, or thieve and get something, or do something else. Two years ago there was a considerable number of negroes who had gathered about the larger towns; I know that in the town where I lived there were a great many of them; but that is not the case so much now. The tendency this year has been for the negroes in the towns to go into the country.

Question. The class of negroes who flock to the towns frequently give excuses of one sort and another; say they are afraid of the Ku-Klux or something else?

Answer. Yes, sir; they were applied to frequently by gentlemen who wanted their labor in the country, and they stated they were afraid to go, while the truth was that they preferred to live in town, and live by stealing and marauding.

Question. And by trading?

Answer. Yes, sir.

Question. Trading generally with country negroes?

Answer. Yes, sir; I think there are but a few of them there now doing that.

Question. It was regarded by your people that many of these excuses made by them were lying pretexts?

Answer. I am sure there could have been no reason for their coming into town other than I have given; I know it was for the interest of the planters to keep them in the country; and I know they made efforts to keep them there; offered inducements to them to remain there.

Question. A great deal has been said about Ku-Klux organizations being got up to control the negro vote, to make them vote the democratic ticket. I want to know something about the voting there by the races; whether there has been any interference of that sort with the negroes. By the way, just there state whether democratic negroes have been free to vote.

Answer. I have never seen any attempt on the part of the whites to intimidate the negroes. I know, from personal observation, that negroes were intimidated by their own race from voting the democratic ticket; I know that was markedly the case at the last election. I witnessed it, where negroes were threatened with the severest punishment for voting the democratic ticket; they were set upon by their own race whenever suspected of having voted the democratic ballot. In the town in which I live the election managers who were appointed by the governor, and were of the republican party, had a ballot-box for the negroes, and one for the whites. A negro could not vote at the colored box, as they call it, if he voted the democratic ticket; it would have been worth his life to have made the attempt. The only way in which they could vote the democratic ticket, was by being smuggled in among the white people and allowed to vote at the white box, and protected by the whites while going in and coming out from the place of voting. As a matter of course the negroes do not understand this election business; when they first went into the election, they had an idea that by voting they would get something; it was an indefinite idea in their minds, I presume, but they thought that they would be benefited by this thing of voting. They were very jealous of their rights to vote, so much so that they armed themselves, and went armed to the polls. At the last election, in a county adjoining the one in which I live, in Columbia County, a crowd of about three hundred negroes armed themselves with pistols and shot guns, and Joe Brown pikes, and had their regular officers, and marched down to the place of voting with a thorough military organization; I do not think the negroes knew any better. However, they were met at the outskirts of the village, and talked to by some of the leading citizens, and they stacked their arms there and dispersed, and there was no difficulty. The whites determined they should not come into town with guns in their hands.

Question. What do you call a Joe Brown pike?

Answer. At the beginning of the war the people of the State were scarce of arms. Joe Brown, in his zeal to arm the State troops, had the penitentiary convicts and other persons engaged in making pikes with which to arm the confederate soldiers. These pikes were about six or seven feet long, an inch and a half or two inches thick, made of ash, hickory, or some tough wood, and mounted on the end with a piece of steel or iron about fourteen or fifteen inches long, somewhat in the shape of a pruning-hook.

Thousands of those pikes were made; some of them got out after the war, and were distributed among the people. I have some of them in my office now, as relics of John Brown's eagerness to get into the fray.

Question. When these negroes were first given the right to vote, what class of men took possession of them?

Answer. They were taken possession of by a class of men who went down there connected in some way with the Freedmen's Bureau; they swarmed all over the country. The white people were sore, intensely sore, at the results of the war, at losing their slaves, and they shrank back and had nothing to say to the negroes. That course of conduct on their part enabled these men to go on and obtain the confidence of the negroes; they made the negroes believe that unless they banded themselves together and stood up for their rights, the white people would put them back into slavery. But the reign of that class of people in our State is over—past and gone. These men came there and fastened themselves upon every community, and when the election for members of the legislature came on they were themselves elected. I can give you an instance right there, within a stone's throw of where I live, of a man by the name of Captain Richardson, who went down there in the Bureau. He lived in Augusta, and was elected a member of the legislature from the county of Hancock, way up in the interior of the State; he perhaps never was in that county in his life. There was a man by the name of J. Mason Rice, who came out in the Bureau, and lived in Augusta; he was elected a representative of the county of Columbia. A man of the name of Sherman came down there, not in the Bureau, but as a developer. He bought a piece of land near Augusta, and worked it for a while, and then had to give it up. He ran for the place of senator in the district composed of Wilkes, Jackson, and Columbia. Wilkes is the county in which Toombs lives. This man ran for senator, and was elected there. There was Rice, elected as a member from Columbia County, and never was in it; Richardson was elected as a member from Hancock County, and he never was in that county; and Sherman was elected as senator from Wilkes, Lincoln, and Columbia Counties, and, so far as I know, he has never been in either one of them. A man by the name of Claiborn, a Baltimore negro, came down to Augusta with the Bureau, and was elected a member of the legislature from Burke County. He served until a few months before the close of the legislature, when he was killed by a negro in the capital.

Question. Does your law require the representative to live in the county he claims to represent?

Answer. Yes, sir; but the republicans had a majority there, and they permitted any one to take his seat who had the returns; and when they really did not get a majority of the votes, Mr. Hurlburt, who was the head man of the registration, fixed up the votes, cooked them up for them, and they were admitted. We were entirely powerless there.

Question. That class of men control the votes of the colored people?

Answer. Implicitly.

Question. Was any such thing as promises of land and other property ever made to the negro?

Answer. The negroes said so. Up to the latter part of 1868 the negroes believed that by voting they were going to get a division of the land and stock of the country. These carpet-baggers would go down there and actually sell stakes to them. That is almost too improbable for belief; but these rascals would go down there and sell painted stakes to these negroes, and tell them that all they had to do was to put down the stakes on their owners' farms, and forty acres of land would be theirs after election. You could see them all over the country. The negroes said they gave a dollar apiece for those stakes. They were very ignorant, or they would not have believed such things; but they did believe it, and, I have no doubt, implicitly.

Question. That belief has passed away?

Answer. Yes, sir.

Question. And the scepter has departed from them?

Answer. Yes, sir; the colored people understand this thing now; the negroes and the whites are in thorough understanding with each other. The negroes vote now with their old owners; they did so at the last election. Their owners would fix up their teams and wagons, haul them to the place of election, and supply them with tickets to vote. The negroes are now tired of the carpet-baggers.

Question. In your region of country were there any riots or disturbances at the last election which prevented free voting to any extent?

Answer. I heard of but one in the State. I believe there was some difficulty in Savannah, but of that I am not certain. In Columbia County, the county of which I have been speaking, when those two or three hundred armed negroes went up there, there had been just previous a little difficulty in regard to the managers of the election. Mr. Akerman went down there and fixed up the election bill for us. Under the old laws of the State elections were held at the county seat of each county, and at the different precincts in the county; from three to six precincts in each county. Under the new law all voting was required to be done at the county seats, and instead of one

day for voting we had three days for voting. The managers of the election were selected by the governor, three of them, and two managers were selected by the ordinaries of each county. The organization of each county was generally in the hands of the persons, as I have just stated, who were elected in 1868, and were republicans. The ordinaries had the appointment of two managers of elections, and the governor had the appointment of three. The managers thus appointed had to be confirmed by the senate; and wherever the ordinaries nominated democrats they were not confirmed. I remember that in the county where I live the ordinary appointed one republican and one democrat. There had been three republicans appointed by the governor. The senate refused to confirm the democrat appointed by the ordinary, but confirmed the republican. In Columbia County both the appointees of the ordinary were democrats, and the senate refused to confirm them. It was generally the case that where the ordinary appointed democrats there was no confirmation, which left the ballot entirely in the control of the three men appointed by the governor. In Columbia County he appointed three managers; one was a gentleman well known there, raised in the county, a very clever man, a republican, and a man who had been in the tax assessor's office, in some way. Another was a white man of whom nobody had heard before. He was a carpet-bagger whom they had brought in there from some place, and he has not been seen there since. The other was a negro, named Robert E. Lee. Now, nobody had heard of a negro named Robert E. Lee, but they found a man named Robert Lee.

Question. A colored man?

Answer. Yes, sir; and rather than have the election defeated, (the law required that a majority of the managers should conduct the elections,) they persuaded this negro man to qualify. After the election had been going on for some time, another colored man was brought up by Sherman, whom I have spoken of, and he insisted that he was the man who had been appointed by the governor. There was no riot there, but it was while that disturbance was going on, as to which was the Robert Lee appointed by the governor, that this crowd of armed negroes came up; but there were no blows struck. The white men went out there and told the negroes what wrong they were doing, and they put down their arms and left them there.

Question. I have a little curiosity to know which Robert Lee held the election?

Answer. The county fellow stuck to the place; he had been sworn in, and he kept the other fellow out.

Question. Were you, in your business, in frequent communication with Atlanta?

Answer. Yes, sir.

Question. Did you hear of any serious wrongs being done at the polls there, of a large number of persons being excluded from voting there, at Atlanta?

Answer. No, sir; I believe on the first day, perhaps, there was some collision between individuals outside of the polling places, in the town; but nothing more than there always is in the South at elections. I believe there was a difficulty in Savannah, but the particulars of that I have forgotten. I think that is the only place where there was any serious difficulty, that I remember.

Question. Mr. Rockafellow was here yesterday and stated a great deal about serious troubles at Atlanta, where he was, and said that four or five hundred men were not allowed to vote. I mention that name to call your attention to the case?

Answer. Well, this Rockafellow is a stranger there; he is a carpet-bagger, and has been down there but a little while. He first went to Savannah, and I think aspired to a place in the custom house there; he maneuvered there a while, but did not get it. He went to Macon and tried to get into office there, and failed; and then he went on to Atlanta, and has made a dead set to get Mr. Dunning, the postmaster there, out of office. That man Rockafellow was denounced three or four months ago by the Atlanta Era, the leading republican paper in the State, in the most unmeasured terms.

Question. Did not the Atlanta Era, the republican paper there, in a number of its issues, denounce him as a man wholly unworthy of a position of any sort?

Answer. Yes, sir; I think so. I take the Era, but I did not think him worthy of notice, and was surprised that the Era should waste its time upon such a character.

Question. It did keep up a fire upon him?

Answer. It did, sharply, for some time.

Question. The Era is an acknowledged republican paper?

Answer. Yes, sir; the organ of Governor Bullock, and published at the capital of the State.

Question. Rockafellow failed to get the postmaster removed?

Answer. Yes, sir.

Question. And he now claims to have a mail agency promised him from Washington, by the way of Chattanooga and New Orleans?

Answer. I do not know about that.

Question. Do you believe he would be a good man to get up Ku-Klux outrages along that road if he gets that position?

Answer. From what the republicans say of him, I should suppose that he would be a good man for that purpose.

Question. Under your election laws, as now arranged, would a majority of th[illegible] appointees of the governor, and of those appointed by the ordinaries, subject to con[illegible] firmation by the Senate, and generally unconfirmed unless they belong to the republ[illegible] can party, always be republicans; and would it be possible for the democrats to exe[illegible] cise any frauds in the counting of votes or the receiving of them?

Answer. The law authorizes these managers to take the ballot-boxes home wit[illegible] them at night, for the three nights they have charge of them.

Question. And these managers are republicans, a majority of them?

Answer. They are obliged to be, because the governor appoints three of the fi[illegible] managers of the county, and they constitute a majority. If the ordinaries shou[illegible] appoint their full number of democrats, and they were confirmed, there would only [illegible] two in a county, leaving the appointees of the governor in the majority. In the tow[illegible] where I live, with four or five thousand voters, there were four managers of electio[illegible] there, and they were all four republicans. The first night they proposed that one of the republican managers should take the ballot-box home with him, while anoth[illegible] republican manager put the key in his pocket. The democrats said that could not [illegible] done. There was no riot, but there was a determination shown that the ballot sho[illegible] be protected. Finally, it was agreed between the candidates on either side that a member from each party should be selected to sit up with the box all night, and th[illegible] was done. Each party designated a man to stay with the managers of elections. So careful were we that there should be no frauds. We were satisfied that if there wa[illegible] a fair election we could carry the State; and we were determined, if we could preve[illegible] it, that there should be no ballots thrown out. We had nothing to gain by havi[illegible] ballots thrown out, it was not necessary, as we thought, to resort to frauds, even if we had been disposed to do it, because we were confident that we would carry the Sta[illegible].

Question. And you had not the power even if you had been so disposed?

Answer. No; they had the power themselves.

Question. There have been cases stated before us of women as well as men who ha[illegible] been whipped. Have you heard of any of that class of cases, and, if so, will you st[illegible] why that is done?

Answer. I have heard of some.

Question. What is the trouble in those cases?

Answer. It grew out of the fact that the governor commenced a series of pardon[illegible]s; and it was generally believed that if you tried a man and convicted him, let the e[illegible]vidence be however strong, the governor would pardon him. He has pardoned a numb[illegible]er of murderers, and a number of persons who have been convicted of manslaught[illegible]er, and rape, and arson, and innumerable cases of larceny. I remember an instance in which it is alleged that a woman and a man were whipped. A negro was living in adultery with a white woman, on the line of Burke and Scriven Counties. It was an open and notorious case of adultery; it outraged the community very much, and they were both arrested and prosecuted. The neighbors employed counsel to prosecute the m. They gave me a fee, and I prosecuted them, and the negro was tried and convicted; the evidence was clear. The punishment for such a crime has been reduced; he was sentenced to thirty days imprisonment, and to a fine of $50, by a judge appointed by Governor Bullock, a republican. In less than two weeks Governor Bullock had pardoned him out, and he was back again living in adultery with that woman.

Question. Your people have not yet quite got up to the point of admitting that miscegenation is a desirable thing?

Answer. No, sir. Another cause is this: Governor Bullock has appointed a number of very inefficient prosecuting officers, and persons who have really been guilty have escaped through the inefficiency of the prosecuting officers. There was a notable case in Burke at the last term of the court, where a white man was indicted for living in a state of adultery with a negro woman, after abandoning his wife. It shocked the community, and the grand jury made a special presentment of the case. By the inefficiency of the prosecuting attorney both escaped punishment. Since the term of the court, and I believe about ten days afterward, somebody went to the house and gave them a good thrashing, and gave them notice that they must quit that sort of thing.

Question. Generally where women are interfered with in that way, it grows out of that sort of intercourse?

Answer. Yes, sir; both parties are whipped; they would whip white and black the same. I know a number of cases in which Governor Bullock has pardoned persons; and that was one of the causes why these cases of lynch law have occurred; that was the main cause. The governor had pardoned out so many criminals that the people felt that it was no use trying to convict a person charged with crime, because he would be pardoned, and they thought the better plan was to inflict exemplary punishment themselves. I have no doubt that has been the main cause of that thing. The community have now set themselves against that thing, and it is better. I know a number of cases Governor Bullock has pardoned. He pardoned a man in Elbert County, a man by the name of Cody, who had killed a man. His father employed able counsel, Mr. Toombs, to defend him thinking he would have to be tried, for he had secreted

himself and committed that murder, but he went up to Atlanta and saw Governor Bullock; when he came back he stated to his friends that he had not made all his arrangements, but that he was going back to complete them. He again went to Atlanta, and in a few days he came back with a pardon from Governor Bullock.

Question. Before trial?

Answer. Yes, sir.

Question. Is it supposed that money can influence the obtaining of pardons?

Answer. O, yes, sir. I do not say that is so, but that is the opinion. I will give another case: a man by the name of Reese was tried by a military commission in 1865 or 1866, just after the close of the war; and there were two others of the name of Brown. I was associated in the defense of Reese. This occurred in Taliaferro County, just upon the line of Wilkes—no, it was in Wilkes, near the line. They were brought to Augusta, and tried before the military commission. I appeared for Reese in that trial there. The effort then made was to get the venue changed, to get the case tried in Wilkes, which we succeeded in doing. I did not attend that trial, but Reese was then tried, convicted, sentenced, and pardoned by Mr. President Johnson. Not more than eighteen months or a year since he killed a man in Crawfordsville, Taliaferro County; it was a cold-blooded murder. He was tried and convicted, sentenced to be hung on the fourth day of next month. He is a bad man. He is believed to belong to a clan of assassins and robbers who have infested that section of the State, extending from the Savannah River, opposite the Abbeville district of South Carolina, across the State to the Chattahoochee. There have been some murders committed there, and the supposition is that there are some twelve or fifteen wild, reckless wretches in that clan. The day before I left he received a respite from the governor until October, and he and his friends say that he will be pardoned. He seems to be confident of it.

Question. Upon what did they base their calculations for getting a pardon, in your opinion?

Answer. They based their opinion upon raising the amount necessary to get their pardon through.

Question. He has succeeded already in getting a respite?

Answer. Yes, sir; it reached there the day before I left home.

Question. And he is confident that if he can raise the money he will get a pardon?

Answer. That is their confidence; they may be mistaken.

Question. All those things combined render the people desperate; they feel that justice cannot be done?

Answer. Yes, sir; that is, rapes, murders, larcenies, aggravating crimes, and things of that kind. In one county, the fall before last, there were over fifteen gin-houses burned. Well, it was a general thing; it was not confined to that particular county. Houses would be burned, gin-houses and valuable property would be destroyed, and people felt insecure; people felt that they must, and in a number of cases they did—I say "a number," in several cases—take the law in their own hands, just as they would have done before the war, or at any other time, or as any other people would have done. They felt this insecurity from the pardons of the governor. I remember a case of rape, tried at the last January term of the Richmond superior court, in which a negro was charged with attempting to commit a rape upon a white woman. The evidence was very clear, and he was convicted; but he received from the judge the very lowest penalty prescribed by the law.

Question. Have you had serious discontents in the State of Georgia, growing out of the management of your railroad affairs?

Answer. Yes, sir.

Question. Give us, as briefly as you can, a statement of that management.

Answer. The people there feel hopeless in relation to our public debt. The last legislature and Governor Bullock have involved them in such a heavy debt, that it will be impossible for the people ever to pay it. Our taxes have not been materially increased, and perhaps we are in that respect better off than many of the Southern States; but we have been involved in debt by the issue of millions of State bonds, which will have to be paid or repudiated. The State road, which before the war was a source of income, and indeed paid the ordinary expenses of the State government, has been so managed that we have lost the entire revenue of that State road, under the administration of Governor Bullock. We have not only lost the revenue from it, but, under Blodgett's administration of it, we have got in debt for more than $700,000 for about fourteen months that he had it. The gross earnings of the road were from $120,000 to $135,000 a month. He made two payments into the treasury, one of $25,000 and one of $20,000; and he has received on an average about $125,000 a month of gross earnings. The State has been run into debt upward of $700,000 in that piece of property alone.

Question. Did he do it by improving and repairing it?

Answer. No, sir; according to his own report to the legislature, and the report of Bullock to the legislature at the last session, the road was represented to be in a wretched condition, and that it would take hundreds of thousands of dollars to put it in good condition again. The road was in good condition when he got it. It was

destroyed during the war, and we incurred a debt of over $800,000, for which we bonds, after the close of the war, for the reconstruction and reequipment of that It was then under the management of Campbell Wallace and Hurlburt, up time it went into the hands of Blodgett. When Blodgett got it, it was in good tion, but he has paid only $45,000 in the treasury, the average gross earnings road being $125,000 a month; and he has left it $700,000 in debt; and Governc lock has asked an appropriation of $500,000 to put it in running condition again people think strange of that management, and are very restless under it.

Question. About the general expenditures for the executive departments, wl you know about them?

Answer. They have been enormous, unprecedented.

Question. Have you any information about the document he has sent us here ir to our letter to him; do you know what that document has cost the State?

Answer. I have read that letter; that letter has been printed very generally th out the Northern States, and in our own State, and, it is said, at a cost to the pe Georgia of $8,000.

Question. Paid for as an advertisement in the papers?

Answer. Paid for as an advertisement.

Question. His answer to our request for information?

Answer. Yes, sir.

Question. It is about the handsomest document we have received. You say it that the State paid $8,000 for it?

Answer. It is said that is the amount of cost of publishing that answer; printing that pamphlet, but for publishing it in the newspapers.

Question. For advertising it?

Answer. Yes, sir. I am a newspaper editor myself, and I received a letter gentleman who I knew to be the private secretary of Governor Bullock, (he d write to me as such,) inclosing a copy of Governor Bullock's letter to you, insti me to publish it in the Chronicle and Sentinel and to send the bill to him. I he had no money to pay for it, but I knew I would get the pay, and I publis Then the governor has offered rewards, issued proclamations offering reward the expenses growing out of the publishing of those proclamations offering r have been enormous. I think there are ninety-odd newspapers in the State of gia, and I think he published those proclamations in nearly all of them; I can lect but four or five that did not publish his reward proclamations. They wer printers call "fat;" and were made to occupy as much space as possible, sc make the charge as great as possible for publishing them; they were spread c reward that would properly occupy a square, if the advertising had been done individual, was made to fill five, six, seven, or eight squares, and paid for as si will give an instance of his advertising. The appointment of district judg solicitors, twenty-one or twenty-two in number; the advertising of these a ments by the executive was never done previous to the Bullock administration, in one paper at the capital, and then published in that paper but two or three once a week. I think there were twenty-two district attorneys and twenty-two judges appointed. The notice of their appointment filled up one whole side Atlanta Era, leaded. It was published in several issues of the paper. It was s a statement from the treasurer's books, that the bill of the Atlanta Era was up $3,000 for publishing that alone. Enormous amounts have been expended, view, apparently, to subsidize the press, and to some extent it has succeeded.

Question. Democratic lawyers, I believe, frequently come in for fees?

Answer. Yes, sir; they come in for fat fees. We have a State's attorney, attorn eral, as he is called, with district attorneys and prosecuting attorneys in each c A man by the name of Fish was killed, in the Macon district, I believe it was; in Macon County at least. Governor Bullock gave two democratic lawyers $1,0 to go down and prosecute the man who was charged with the murder of Fish.

Question. Have you any idea of the total amount of the State debt and liabil this time?

Answer. No, sir, and no one else; because, I suppose, they have no check o means of information. The law requires that when the bonds of the State are they shall be signed by the governor and treasurer, and that the treasurer sha a regular bond-book. Up to the administration of Bullock we knew every bo had been issued, when it was issued, where it was issued, and the amount. Bu the last session of the legislature especially, Bullock has issued these bonds v any reference to the treasurer at all, and the treasurer has no record of them It is said that a number of these bonds have the treasurer's name to them; th lock had some of them lithographed in New York, and the name of the treasu on them. I do not know what the State debt is; but it is thought to be about six millions of dollars, since the last session of the legislature, that these bon been issued for.

Question. You mean it has been increased that amount since then?

Answer. Yes, sir. The prospective indebtedness of the State is immense; I mean by that, the indebtedness which the last legislature has incurred by the indorsement of railroad bonds. If these railroad bonds are called for by these railroads, and are issued, it will increase our indebtedness between thirty and fifty millions of dollars. They gave to quite a number of the railroads the indorsement of the State for from twelve to fifteen thousand dollars a mile. I believe there are but two of the roads that have as yet called upon the governor for the indorsement of bonds, but they are all entitled to them when they organize and go to work.

Question. The legislature that you had after your re-reconstruction was made republican, was it not?

Answer. Yes, sir; it was very decidedly republican in the senate, immensely so; I think there were eleven, perhaps twelve, democrats out of forty-four senators.

Question. How does it stand now, or how did it stand in your last legislature; was it the same senate?

Answer. No, sir; the term of one-half of the senators expired, and we elected twenty-two senators at the last election. The senate, as it will stand upon its organization, will be from twenty-eight to thirty democrats, and the balance republican. In the twenty-two senatorial districts we elected all democrats but three, I believe.

Question. That legislature has not yet met?

Answer. It was to have met, by law, last January; but, just before they adjourned, the last legislature postponed the meeting of the next legislature until next November, in order to give them a year longer in their operations upon the treasury.

Question. So that all the legislation which has taken place up to this time has been by a republican legislature?

Answer. Yes, sir; all of it

Question. Was not its republican strength very considerably increased by the action of General Terry and Governor Bullock, under pretense of authority given them by Congress?

Answer. Yes, sir; they put in men and turned out men. I was there as a member of the democratic executive committee, and employed counsel, and assisted in raising money to employ counsel, to represent those cases that were brought up before General Terry's commissioners. General Ruger, I believe, was the chairman of the board to examine into the qualifications of the members of the legislature, and a very clever gentleman he was, too. But it was a very extraordinary spectacle to see a superintendent of railroad transportation presiding over the session of the house of representatives.

Question. What is his name?

Answer. He is known as "Fatty Harris;" I believe his initials are A. L. He is known as "Fatty Harris," but I am not acquainted with him.

Question. How was that managed?

Answer. That board made an examination into the qualifications of the members of the legislature. They would turn out men who they said were disqualified under the fourteenth amendment. If a man had been a road commissioner or a notary public before the war, they would turn him out. A notary public at that time had no authority in Georgia as a justice of the peace; he was not an officer, except to attest papers; to that extent he was a judicial officer. Wherever they charged a man with holding an office before the war, they turned him out, and in one case they actually put a man in the place of a dead man, who had served up to the dissolution of the last senate. A man by the name of McCutcheon was elected over a man by the name of Henry by a very large majority. McCutcheon served in the legislature until he took sick and died. When we went through the last throe of reconstruction under General Terry, Henry presented himself there and was admitted by the military board to take the seat in place of McCutcheon, although he was the defeated candidate.

By Mr. BLAIR:

Question. And he served?

Answer. Yes, sir, and he is serving yet. The member elected in his district drew the long term of four years. I have no idea that the democratic senate at the next session will allow Henry to retain his seat.

Question. If they do not, they will be reconstructed again?

Answer. I expect we will have to go through with another reconstruction.

By Mr. BECK:

Question. How many men who had been defeated in the elections were put in place of those turned out? Were the minority men, the defeated men, put in when the men who were elected were declared disqualified?

Answer. Yes, sir.

Question. Do you remember about how many?

Answer. I cannot give you the number, a considerable number.

Question. As many as sixteen?

Answer. Probably more, perhaps as many as twenty; it has escaped me now. I did know the number, but it has passed out of my mind.

Question. By that process the lower house was made republican?

Answer. The lower house was made decidedly republican.

Question. And the senate was very largely so?

Answer. Yes, sir.

Question. That is the legislature which has indorsed these railroad bonds?

Answer. Yes, sir, and given the governor authority to issue these bonds without the check of the treasurer or any one else upon that issue.

Question. Did any of you in Georgia ever find out by what authority of Congress all that was done? Was there any act of Congress that ever authorized Harris to take his seat, &c.?

Answer. We looked in vain to find that authority. We found it was impossible to contest and argue the case with General Terry; he had bayonets at his command. But we employed counsel and argued the matter before General Ruger. We contested the authority, but we were powerless.

Question. They still would do it?

Answer. They said they had the authority, and I presume they thought so.

Question. Was there any authority except the military orders of the President? You saw them, I presume?

Answer. There was no authority except the orders of the President to General Terry.

Question. They did not even pretend that Congress had given them the authority?

Answer. I think not.

Question. Was it not regarded by all, republicans and democrats—I mean those who were lawyers—as just a case of executive usurpation by the President and his military officers?

Answer. We considered it a military usurpation, and contested it as far as we could by argument, but it amounted to nothing.

Question. It was by that sort of usurpation of authority that that legislature was made up that has passed the laws which are now taxing you to death?

Answer. Yes, sir.

Question. I believe that a large number of your people are still under disabilities, and cannot hold office?

Answer. Yes, sir; the very best people in the State are disqualified from holding office under the fourteenth amendment to the Constitution.

Question. You have had a great many special cases relieved?

Answer. A few; I do not think there have been a great many from that State. Those that were necessary to hold office under republican administration there have had their disabilities removed. Outside of that I think there are very few who have had their disabilities removed.

Question. I think Governor Bullock is still resisting all demands of that sort, for in his letter to us he speaks of the "hypocritical howls for universal amnesty."

Answer. My impression is this, from a careful consideration of affairs there, if that ban was taken from our people there, we would have no cause of complaint, and there would be none there.

Question. Governor Bullock himself, I believe, who is now holding a high official position, was a great deal involved in the difficulties of the war?

Answer. Governor Bullock was the first soldier that I ever saw engaged in the war, or among the first. He was in the first squad of soldiers who volunteered in Joe Brown's company to capture the arsenal, in possession of Captain Arnold Elzey and Lieutenant Long. The arsenal was near Augusta, upon the sand hills overhanging the town. Bullock was one of Joe Brown's army that went up there early in January, and captured the arsenal. Bullock was an officer under the confederate government; I think his office was that of superintendent of telegraphic lines, or telegraphic communication, throughout the South, and he had the rank of colonel. He was a good southerner during the war.

Question. There is no particular reason why he should have the right to be governor there, and your old namesake, A. R. Wright, of Rome, be disqualified? You know Judge Wright, I presume?

Answer. I know Judge Wright; he was opposed to the war; I think he was a Union man; I see no reason why he should be disfranchised and Governor Bullock not.

Question. In other words, a discrimination of that sort has been made to operate injuriously to your people, and your idea is that a universal removal of disabilities would restore order to a great extent?

Answer. I believe it would entirely restore it; that there would be no reason to complain. We are doing very well in Georgia, both black and white, so far as our material interests are concerned. We have recuperated wonderfully; our taxation is prospective; our tax last year and this has not been materially increased; we have not felt the burden yet. Our prospects are good; our people are contented, except that they feel a great wrong has been done to a most worthy class of our citizens. They cannot

see why such men as Governor Johnson, who was a Union man, a candidate on the ticket with Mr. Douglass for the Vice-Presidency, a moderate man, should be prevented from holding office. He was not in the war; he opposed it, though he subsequently took office in the Confederate Government. The people cannot see why he should be ostracized, and such a man as Foster Blodgett elected to the Senate of the United States from Georgia, who was a captain of a military company, gotten up expressly for the confederate service, who was active in getting it accepted, and who was among the first to go into the service; a man of bad character before and during and since the war. I could give you a number of cases throughout the State, where that class of men have come to the top, and better men are kept down, under operation of this fourteenth amendment—men who were always truer to the Union than Foster Blodgett. It is a very sore thing with our people; we cannot send our best men to the legislature. If we had the power of filling our judiciary we would have to select men whose disabilities Congress would remove, or pick up incompetent men. I suppose Georgia is cursed to-day with a more inefficient judiciary than any other State in the Union. I do not know that they are corrupt, but they are inefficient, because we have been prevented from taking the first-rate legal talent we have there to fill the places on our bench. We feel that every day we see incompetent men in office. If we elect men to the legislature, we are obliged to take young men—inexperienced men—who have not been in office before. And the legislature which will meet in November is composed largely of very young men, and necessarily so. At the very time when we need the talent and experience of our best men, we have been deprived of them. Those of us who are not disqualified by the fourteenth amendment feel it just as strongly as those who are, I presume; I know I entertain that feeling myself, and I am not disqualified.

Question. It has been said of Georgia, I believe—I know it has been said of other States—that republicans are not free in speaking their sentiments; how is that?

Answer. I do not know as to other States.

Question. I think it has been said of Georgia; how is it in your State?

Answer. I do not know that there is any difficulty about that. I know that at the last election one of the republican candidates for Congress was a negro, who ran against a very clever white man; and then there was a gentleman by the name of Fannin, who ran against General Dubose; the one ran for the short term and the other one for the long term. I heard of no difficulty with regard to them. I have heard a number of republican speakers speak at the city hall in Augusta to large crowds, black and white. I have known of no instance where there has been any attempt to prevent them from speaking, not only publicly, but privately. Some of the best men we have in the State are republicans, but they are very few, and they are ostracized by their own party. There are Joshua Hill, Thomas Peter Saffold, and Albert Foster, men of prominence, of character, of ability, and of respectability; they have not lost the respect of their fellow-citizens. Isham Fannin, the assessor in my district, and Mr. Jourdan, senator from the county of Jasper, are as respectable men as any men I know. I could go all over the State and give these instances, but they are not in good standing with the party down there. They were honest and denounced the stealings of the Bullock-Blodgett ring; they are not thieves, and have no association with them.

Question. Tell us how it is with the men who come from the other States, from the North, who take their chances among your people, who have invested their money, and who make their living like the balance of you—not office-hunting carpet-baggers; how are they treated?

Answer. Just as well as we know how. I believe that before the war the southern people were proverbial for their hospitality. We have prided ourselves upon that, and we try to keep it up still. Strangers who come among us and bring their money there are treated as well as in any other State.

Question. There is no difference made on account of politics?

Answer. No, sir. A gentleman came down there by the name of Fisher; he is said to be a radical in his views; he has gone to work there, has brought money there, bought mills and gone to work, and is met as a gentleman by gentlemen. In Morgan County, I think, quite a number of farmers, twenty-five or thirty, have gone there and settled, and they are received socially by the people of that county. There are, perhaps, more in that county than in any other of this class, but you can find some in all parts of the State. There is one man, a Mr. True, who was in the Union Army, and who is a prominent officer in our Agricultural Society. He has been of great benefit to our people. He is a thorough-going, energetic man; he is a republican in his political views, but not offensively so to his neighbors.

By Mr. COBURN:

Question. I believe you have stated that you are an editor of a paper?

Answer. Yes, sir.

Question. What sort of a paper?

Answer. What are its politics?

Question. Yes.

Answer. It is democratic, and I think a very good paper.

Question. I understood you to say you had a very general acquaintance over the State of Georgia?

Answer. Yes, sir, I have; although not in office, I have been a sort of public man.

Question. Have you been watching the reports of these Ku-Klux outrages?

Answer. Yes, sir; I have been compelled to investigate them, from my position as editor of the paper.

Question. Have you ever denounced them in your paper?

Answer. I have.

Question. Have you ever approved them in your paper?

Answer. No, sir.

Question. Did you ever hear or know of any outrages in Jefferson County?

Answer. Yes, sir.

Question. By the Ku-Klux?

Answer. Yes, sir. I heard of that. I am glad you mentioned it, for I was born in that county, and lived their up to 1860. About the first Ku-Klux case I heard there was where a band of negroes went to the house of a man by the name of Ferguson, took him from his bed at night, from the side of his wife, carried him into the woods, stripped him, put him across a log, and strapped him.

Question. Did you ever hear of any other case?

Answer. Yes, sir.

Question. What other?

Answer. I have heard of two or three other cases there. There was a very aggravated case that occurred there last summer, I think, about a year ago, in which the negroes armed themselves, to the number of one hundred or more, went to the county town on Sunday morning, and demanded of the jailer the key of the jail, went to the jail and opened it, and delivered two or three prisoners who were there undergoing sentence of the court That crowd of negroes was headed by a colored man of the name of Cudjoe Fye. I knew the boy very well; he grew up in the same town I did. He said he had authority from headquarters to require all negroes in the county to appear there on that day, and deliver those men from jail. They did deliver them; the people were powerless to prevent it, and the prisoners were turned loose. I remember that case.

Question. Were those negroes disguised?

Answer. No, sir, they were not disguised.

Question. Were those disguised in the first case you mentioned?

Answer. I do not remember as to that.

Question. Well, I asked you about the Ku-Klux and Ku-Klux outrages, and you have mentioned these two cases.

Answer. I do not know what you mean by Ku-Klux outrages.

Question. Have you heard instances of disguised men going about and perpetrating crimes in Jefferson County?

Answer. Yes, sir; I heard, and I have no doubt it is true, that a man by the name of Creech, who lived upon the line of Emanuel County, where there were very few negroes, was taken from his house at night by some parties. I have never heard whether they were disguised or not; he was taken out of his house and murdered, and thrown into Williamson Swamp Creek; there is no doubt about the fact of his having been murdered.

Question. When was that?

Answer. It was about the time of the Cudjoe Fye riot, say a year ago, perhaps more; I do not recollect how long. That man Creech was said to have been a very bad man in the community.

Question. Who was Creech?

Answer. I am telling you now who he was.

Question. Was he a black man or a white man?

Answer. He was a white man, a North Carolinian, who had come down there several years before the war. I knew him; he overseed for a neighbor of mine before the war. He set up a grocery, and was carrying on an illicit trade with the negroes of Jefferson County. He had a whisky shop, and was alleged to have been engaged in buying and receiving stolen goods; whether that was true or not I do not know. It was thought that was the reason of his being killed. There was no politics in it, so far as I know.

Question. Because he was trading with the negroes?

Answer. Yes, sir, illicitly; he had a bad house; one considered a curse to the community.

Question. What were those men in jail for, who were delivered by these hundred negroes?

Answer. For various petty larcenies. The court had met and they had been tried, and I think three of them had been sentenced to imprisonment for perhaps from thirty to sixty days. I do not remember the particular offenses.

Question. Have you heard of any other outrages in your county?

Answer. In that county?

Question. Yes.

Answer. I do not exactly understand you when you say "Ku-Klux;" I do not know anything about Ku-Klux.

Question. Have you never heard of the Ku-Klux Klan?

Answer. Every one of these outrages now are spoken of commonly as Ku-Klux.

Question. Give me your definition of Ku-Klux.

Answer. My understanding is that it is synonymous with lynch law.

Question. Whether by disguised men or not?

Answer. Yes, sir.

Question. When I allude to it, I allude to outrages by disguised men.

Answer. Well, I understand you now. I know of no other cases in that county by disguised men.

Question. Did you ever hear of any persons being taken out of jail in Louisville?

Answer. Yes, sir.

Question. Since that?

Answer. I believe it was since that.

Question. How many?

Answer. I believe four or five; I do not remember.

Question. Did you ever hear of nine persons being taken out of jail within six months?

Answer. That, and the jail delivery I have spoken of; I do not know of any others that occurred. I do not know how many there were delivered.

Question. What did you hear about that?

Answer. I heard that they went there; I do not remember whether they were disguised or not, and took out some prisoners who had been tried and convicted, or I think some had been.

Question. What did they do with them?

Answer. One was killed, and I think they cut off an ear of one.

Question. Did you hear they cut off the ears of all but one?

Answer. That may have been; I saw one negro who had had his cut off.

Question. Did you not hear that they cut off the ears of the others?

Answer. I do not remember.

Question. Did you not hear that?

Answer. I told you I did not remember it.

Question. When was that?

Answer. I think that was last fall.

Question. Was it not last February?

Answer. It was of much more recent date than the other delivery; perhaps it was February.

Question. Who did that?

Answer. I do not know.

Question. Were they white men or black men?

Answer. I do not know.

Question. What did report say about it?

Answer. It was reported that in that case they were disguised men who went to the jail.

Question. Was it reported that they were white men or black men?

Answer. I do not know that I ever heard as to that. I know this, that the judge of that circuit went down there and opened a special court for the investigation of that case, organized the grand jury, and kept the court open two or three days. He gave them a very earnest and a very able charge in relation to that case. I think his court was held there within a very few weeks, perhaps a few days, after the occurrence took place. He gave the whole power of the court to the grand jury to send for witnesses. He investigated it very thoroughly, so he told me, and I believe he is a very truthful man, and an appointee of Governor Bullock.

Question. Who is that judge?

Answer. Judge Twiggs, of the middle district.

Question. Is he an able judge?

Answer. Yes, sir.

Question. Is he a republican or a democrat?

Answer. He is said to be both; I do not know which he is.

Question. Speaking of judges, how many democrats have been appointed by Governor Bullock as judges in your State?

Answer. Judge Twiggs is claimed to be a democrat; Judge Schley is claimed by his friends to be a democrat; Judge Cole's friends claim that he is a democrat; Judge Robinson's friends claim that he is a democrat. I do not know that I remember any others.

Question. All the rest of the judges in the State are republicans?

Answer. I think so; but I am not so certain about the extreme southwestern portion of the State. Perhaps Judge Alexander there is a democrat.

Question. Now, to go back to the subject of the jail-delivery. How many men did you hear were connected with taking these last prisoners from jail?

Answer. Do you refer to the occurrence in February?

Question. Yes.

Answer. I do not remember that I heard any particular number; there was said to [illegible]e quite a number of them. Judge Twiggs informed me that he and the grand jury we[illegible]re very active in attempting to discover them, and failed. He held the court upon the[illegible]re for several days for that purpose.

Question. There was nobody arrested for that offense?

Answer. I think not; I think the investigation entirely failed.

Question. Entirely failed to get anybody at all?

Answer. Failed in getting the testimony against any one.

Question. Failed to implicate anybody?

Answer. Yes, sir.

Question. Have you heard of any outrages near a place called Dearing?

Answer. Not by disguised persons. I know that a Mr. Cody was killed there, and [illegible] a man by the name of Kitchen Adams was killed there. It was a broil between wh[illegible]ite people; there was no politics in it.

Question. Have you not heard that six or seven men were taken from the cars [illegible]at Dearing, who were on their way from Warren County, a year or so ago, and killed [illegible] by the men who followed them?

Answer. No, sir, and I do not believe it.

Question. You have not heard that six or seven men, or any number of men, we[illegible]re taken from the cars and killed there?

Answer. No, sir, I do not think it has occurred there; I know Dearing very well. It is upon the line of the Georgia Railroad, about forty miles from Augusta; and if su-[illegible]ch a thing had occurred there, I think I would have heard of it.

Question. Now, in relation to the killing of Dr. Darden, you said, as I understood yo[illegible]u, that Norris was not attacked that night?

Answer. I did not say so; I said that I had never heard of his being attacked th[illegible]hat night, and I do not believe he was, or I would have heard of it.

Question. Were you there that night?

Answer. I was not.

Question. Did you inquire particularly about that?

Answer. I talked freely with my friends about it.

Question. When?

Answer. Immediately after the killing.

Question. Were you over there?

Answer. No, sir, I was not.

Question. With whom did you talk?

Answer. I talked with Shields, Smith, Pottle and Heath, that I remember. I w[illegible]as very earnest in my endeavor to ascertain the facts in that case.

Question. Did you talk about that point as to whether Norris was attacked?

Answer. I think not; but I presume, if he had been attacked, that in talking abo[illegible]ut the difficulties there that night that matter would have been spoken of.

Question. Your testimony is based upon that presumption?

Answer. Yes, sir, that I never heard of it.

Question. What was reported as to the description of the men who killed Darden, as to their dress?

Answer. I do not remember of hearing anything about that.

Question. Was nothing said about these men being disguised?

Answer. I think not.

Question. And you say you heard a full account of it?

Answer. I saw and talked fully and freely with those gentlemen about that night.

Question. And nothing was said about their being disguised?

Answer. I do not remember that anything was said about it. My impression is th[illegible]at they were not disguised; that is the impression on my mind.

Question. What was the report to you that these men did when they went there; ho[illegible]w did they kill Dr. Darden?

Answer. They took him out of the jail. They attempted, I believe, first to force th[illegible]e jail door open, and my recollection is that Darden had a pistol, and stood upon his de[illegible]e fense. They were afraid he might kill one of them, and they then put fire to the doo[illegible]r of the jail to smoke him out or burn him out. He then surrendered, and they brough[illegible]t him out of jail. He asked permission to communicate with his wife, and my recollec[illegible]- tion is that they furnished him with writing materials, and let him write a note to his[illegible]s wife. They then took him from the jail about three or four hundred yards to a railroa[illegible]d embankment, and there shot him to death with bullets.

Question. Do you remember how it was that he came to be put in jail?

Answer. That morning?

Question. Yes.

Answer. No, sir, I do not remember anything special about that, except it was a mat[illegible]- ter for the protection of Dr. Darden himself that he was put in the jail.

Question. Was there any pledge or promise given by these men that they would protect him and take care of him in jail—these very men who killed him?

Answer. I do not know who killed him.

Question. Did anybody promise to take care of him?

Answer. I never heard of that.

Question. But you say it was understood that he was put in jail in order to be protected?

Answer. That is the impression on my mind now. It has been some three years or more since then. My impression is he was put in there for protection from the populace; I may be mistaken as to that.

Question. Something has been stated about some persons giving a note to Mr. Norris, to buy his peace?

Answer. Yes, sir.

Question. Do you, or not, understand that to be a note given to Mr. Norris as compensation for injuries done to him when he was shot?

Answer. No, sir, no.

Question. Nothing was said about that?

Answer. Nothing at all. I was not present at any of those negotiations; I only say that I was consulted with by parties who came to me and stated that the proposition from Norris was that if those parties would pay him so much they would not be arrested for the killing of Darden.

Question. Do you not know that Norris was shot and severely injured in that town?

Answer. There is no doubt he was shot; with bird shot, I think, small shot.

Question. And you say nothing was said about this note being given to him as compensation for damages to his person?

Answer. Not one word.

Question. Did you talk to these men who gave the note?

Answer. Not until after the note was given; I talked with one of them afterward.

Question. Did they allege that as the consideration?

Answer. Their friends did.

Question. Did they say that?

Answer. I say I never talked with but one of them, and that was merely to chide him for giving that note.

Question. Did he say that?

Answer. Nothing was said on the subject by him.

Question. Do you know that a large amount of that note has been paid?

Answer. Only from Chap Norris's statement. He published a communication in the Georgia Republican, of Augusta, Georgia, on last Saturday week, in which he gave a copy of the note, with some credits upon it. I think the credits amount to about $3,000. That is his statement; I know nothing about it.

Question. In your conversation with these men about the note did they say it was for the killing of Darden they were to be arrested?

Answer. They said that the proposition was that if they would pay Chap Norris so much they would not be arrested and taken to Atlanta to be tried for the killing of Darden; they were buying their peace from a charge of that sort.

Question. Who was the man who said that?

Answer. How said that?

Question. Who told you that?

Answer. The friend who came to me in Augusta and spoke to me upon the subject.

Question. Who was that?

Answer. My impression is that it was Colonel Pottle.

Question. Did anybody else say that to you?

Answer. I think that Mr. Heath was also one who spoke to me on the subject.

Question. As to the death of Senator Adkins, you said that you understood or believed he was killed because he insulted a lady?

Answer. I said that was the impression there.

Question. Did any one tell you that?

Answer. I have heard that common remark. I could not designate any particular man who told me.

Question. Did you not know that he was opposed violently as a partisan?

Answer. O, yes; very decidedly.

Question. Do you think that the fact that he was an active republican had nothing to do with his being killed?

Answer. I said, when being examined by Mr. Beck, that I thought the fact that he was in bad odor, was considered a disreputable man, had perhaps had some influence over the minds of those who perpetrated the deed, taken in connection with the offense he had committed; and I think so still. In other words, I think if Adkins had been a man in good position in society they would not have gone to the extent they did, or in the way they did.

Question. That is not an answer to my question. Do you say that his position as a republican had nothing to do with his being killed?

Answer. I cannot say that it did.

Question. You say that he was a man in bad odor?

Answer. I mean by that his open, notorious affiliation and association with negroes. Republicans, generally, in Georgia do not do that thing. Mr. Joshua Hill, and other gentlemen I have spoken of, do not do it. They are willing to give the negro all his rights, but they do not mingle with the negro socially, as Mr. Adkins was said to do.

Question. When you talk about mingling socially with the colored race, what do you mean by that? I would like to have that defined. What is it you mean by mingling socially with the negroes?

Answer. In my State I am pretty sure it would be considered a social mingling where a negro sits down at the table and breaks bread with you, or meets you upon social equality in your parlor as a white person would.

Question. Suppose a man begets negro children, is that mingling socially with them?

Answer. I do not think so; I do not know of any such case.

Question. Do you think that would injure a man greatly there?

Answer. No, sir; I do not think it would; I do not think the crime of adultery injures a man in any country a great deal; while it ruins the woman it is strange that the man stands it.

Question. Is it not the fact that a great many prominent men in that country have mingled socially with the colored people to that extent?

Answer. I do not believe it is true that they have done any such thing; that is not the result of my observations there.

Question. Do you say there are no prominent men in that country, of influence and standing, who have mingled socially with the negro race that far?

Answer. If you mean by mingling socially with the colored race committing adultery and fornication with them——

Question. Yes, sir; I ask what is the reputation of such men? I am not asking as to what are the facts.

Answer. I will answer as to reputation; I do not know of a single case of the character you speak of, of a man in high social position, in a prominent position there, who has been charged particularly with that offense.

Question. I will then limit it still more; I will say men of influence and prominence in society.

Answer. I have heard of some men; I do not know it. But let me tell you in relation to this—we have a law in Georgia which prohibits even the intermarriage of a negro and a white person; makes it a felony; and it is made a felony for an officer to perform the marriage ceremony. We are trying to preserve, at least as far as the law of the land is concerned, the purity of the blood of both races. We fail sometimes, and I presume that is the case the world over. I have never been anywhere in my life where a man did not commit fornication if there was a subject for him to do it upon.

Question. In relation to another characteristic of the negroes and facts connected with them—as to this subject of pilfering and stealing. I want to know whether there is not less pilfering and stealing by them now than before the war, while they were in slavery.

Answer. I cannot say as to that. There is this difficulty about it: before the war we never heard of this pilfering; it was confined to the plantations. Apparently, there is more of it now than before the war, but really, I do not believe there is as much; that is my candid opinion about it, though the courts show a terrible number of cases—more than before the war. I think that, however, is because these petty offenses before the war were punished by the owners of the slaves. I do not believe there is any more crime committed by negroes now in Georgia than before the war.

Question. Is it not the fact that there is as strong a disposition there now to punish negroes summarily as before the war; and is not that disposition carried out?

Answer. No, sir; I do not believe it. I know of a number of cases where negroes have not been punished by the courts because of the excessive expense it would put the county to to prosecute them; I have been consulted about cases that have been winked at. I do not think there is any disposition among the people —— you mean to thrash them as before the war?

Question. Yes.

Answer. I do not think that disposition exists there.

Question. Now, what is the treatment of the negroes by the whites; you state that they put up school-houses for them, furnished them with supplies, let them have stock, &c.?

Answer. Yes, sir.

Question. Tell me at whose expense those school-houses are put up.

Answer. At the expense of the owners of the plantation.

Question. How many instances do you know of that kind?

Answer. The instances are not very numerous; our people have had to be schooled a little on this question; they were very sore at the emancipation of their slaves.

Question. I only wanted to know whether it was a general thing at all, this putting up school-houses, &c., for the colored people.

Answer. I do not pretend to say that it is a general rule; I give it as an instance of the progress of our people in that respect. I will tell you further, that in the county where I live over twelve hundred colored pupils are educated there by the white people alone.

Question. Do the negroes show a desire to go to school?

Answer. Yes, sir; or they do when it is new to them. But upon plantations the complaint now is that you cannot keep them at it. Last year the negroes had a hard time as well as the planters; although the crops were abundant the prices were not remunerative, and they had to work very hard to make their support; and they could not spare their children from the fields to go to school.

Question. Do many of the negroes learn to read and write?

Answer. Yes, sir; and there is a great disposition on the part of the old people to learn to read. I have noticed that among my family servants, elderly people, men and women, desire to learn to read. And the better classes of white people show a disposition to have them educated.

Question. You spoke something of not being aware of any negroes having been intimidated from voting the republican ticket?

Answer. I said I heard there was some difficulty in Savannah; I do not know whether it amounted to an intimidation or not.

Question. Do you know many negroes who attempted to vote the democratic ticket?

Answer. I am not a street politician; I do not drag up men to the polls, and therefore my personal knowledge is limited.

Question. You spoke of intimidation of negroes who wanted to vote the democratic ticket?

Answer. I saw it myself.

Question. Were there any great number?

Answer. It was admitted by Mr. Bryant, who ran there, that we got three hundred and fifty negro votes at the last election, in the county in which I live; the negro vote in that county is about two thousand.

Question. I understood you to say that the negroes do not understand this thing of politics.

Answer. I said that they did not understand it for the first two or three years; but I said there had been a marked improvement on the part of the negroes.

Question. Did they not know that the republicans were their friends and were those who had freed them, and that the democrats were opposed to their being freed?

Answer. No, sir, they do not know any such thing.

Question. They did not know that?

Answer. No, sir, and they do not know it to-day.

Question. Was not that the fact?

Answer. I am not aware of that being the fact; I do not know that to be the fact.

Question. Were not the democrats in favor of retaining the negroes in slavery?

Answer. I believe all the white men in the South were in favor of retaining them in slavery. I suppose you mean by "democrats," the white people of the South; or do you mean the democrats of the United States?

Question. I mean democrats.

Answer. O, as I understand it, there were about as many democrats engaged in freeing the negroes as there were republicans. I do not know what was the relative strength of the two parties in the army. I know some noticeable instances of democrats who were engaged in the war.

Question. Do you not suppose that the negroes understood very well, from the very first year of the rebellion, that their freedom was to be the result of the war if the Government succeeded, and that they were made free by the republicans?

Answer. No, sir. The negroes believed the Yankees made them free; they called them Yankees, and they say that they owe their liberty to the Yankees.

Question. Yankee democrats or Yankee republicans?

Answer. I never heard them say as to that.

Question. I am inquiring as to the fact.

Answer. I cannot answer you. When I have heard any expression of opinion among them, the negroes say that the Yankees did it. I think that is about as far as they are capable of understanding the matter. They call all from the North, all who were in the Union army, Yankees. They did believe, and I think they were honest in the conviction, that if the white people in the South, the democratic party, got into power, they would be put back into slavery. That, I believe, was one of the main influences that controlled their vote against the white people in the first two or three elections. They did believe that, and some of them believe it now.

Question. Do you think that at the close of the war the disposition of the negroes was to confide in the democracy of the South, and that it took any considerable exertion on the part of the carpet-baggers to get them to go with them?

Answer. I think the negroes were very grateful to the Yankees; but I believe they

would have lived, and after a few weeks or months they did live, with their old masters. I do not believe they have at any time lost confidence in the integrity of their old owners.

Question. Do you think it took any great exertion on the part of the carpet-baggers to drag them into the republican party?

Answer. I do not think so; I think it was the most natural thing in the world.

Question. Was it the fact that the promise of land and mules and other things to the negroes made them vote the republican ticket?

Answer. I think so; connected with the fact that they looked upon the Yankees as their deliverers; and they were taught to believe that if the white people got possession of the Government they would be put back into slavery. All these motives controlled their actions, according to the amount of intelligence the negroes had. And a great number of negroes were very ignorant. If you have never lived in the South you can have no conception of it; they are very credulous; that is a characteristic of their race.

Question. You spoke something about the whipping of women?

Answer. I think I have known but one instance, and I have given that; I do not think I can remember any other.

Question. Do you think that grew out of the pardons granted by the governor?

Answer. O, no, sir. As I said to you, that grew out of the fact that the parties had been tried in court, and through the inefficiency of the prosecuting attorney they had got off. There had been a pardon in that same neighborhood, just previous to that of a negro who had been convicted of adultery with a white woman. I presume that had some influence with the parties.

Question. That was a single instance?

Answer. That is all I can recollect now; there may have been other cases, but I do not remember any others.

Question. Is it the fact, do you testify to it as a fact, that these pardons of Governor Bullock have caused the commission of these crimes by disguised men who go about the country at night?

Answer. I have never testified that that was the cause; I said that was one cause. I believe it still, and I repeat it: I believe that the indiscriminate pardon by Governor Bullock of persons convicted of crime has tended more than any other one thing to produce and foster these sporadic cases of violence throughout all parts of the State; I believe that, though I may be mistaken.

Question. What good would the whipping of negroes by disguised men do to correct an evil of that kind?

Answer. They do not propose to correct the evil of the pardoning power; they propose to punish crimes, as I understand it. But I know nothing of their organization, if they have one.

Question. Has the bad management in regard to railroads in Georgia caused the commission of these crimes or the organization of the Ku-Klux?

Answer. I suppose not; but I suppose that is one cause of the general feeling of discontent there with the republican party; not with all the republican party, for they look upon that as an extreme wing of that party; a wing that we call the radicals: that begets uneasiness, and a want of confidence in the State government, and to that extent it may cause the acts of violence in these cases. I presume it does enter as an element into their action; to what extent I cannot say.

Question. You say that is one cause of whipping these men?

Answer. I have not said it was one cause; I have said that I believe it was an element which entered into the action of those men; I think it the most natural thing in the world, this want of confidence in the Government; I may be mistaken.

Question. You have referred to the fact that certain persons labor under disabilities by reason of the fourteenth article of amendments to the Constitution of the United States. Is it the fact that these whippings and these outrages come from that cause, that these disguised men band together for that reason?

Answer. I have not said that. I say it is the fact that the intelligence and experience and virtue of the State are disfranchised, and that fact causes a feeling of opposition to and a want of confidence in the Government. The people say that here is this man, and that man, and the other man, whom they have confidence in, who has experience and ability of the kind necessary for law making; and then they say, here is his negro, who was a slave, and who cannot read or write; and yet he is a member of the legislature, and makes the laws for us, while the other men cannot hold seats in the legislature; that begets a want of confidence, and to that extent I have no doubt it enters as an element into all these outrages. I do not believe it produces them; I have no idea it does, because that would not be the proper mode, as any one can see, of redressing that sort of evil.

By the CHAIRMAN, (Mr. POOL:)

Question. You live in the city of Augusta?

Answer. Yes, sir.

Question. Do you know of any outrages committed by disguised men in that city?

Answer. I never have heard of one.

Question. Do you know of any committed in the county in which that city is situated?

Answer. I do not; I cannot recollect of any just now, and I do not think that there has been any in that county by disguised men.

Question. Do you know of any association of men, secret in its character in any respect, for political purposes?

Answer. None whatever.

Question. You know none of any character?

Answer. No, sir. I used to belong to a secret political organization myself, but it died out a long time ago; I was a know-nothing; but I think there are none of those left down there. I think there is nothing of the sort down there of a political character.

Question. Do you know of any political organization of any sort connected with any of the outrages alleged to have been committed in Georgia?

Answer. No, sir, I do not.

Question. Have you ever conversed with any gentleman of any party who intimated to you that he belonged to any secret political organization?

Answer. I have never done it. I may have conversed with gentlemen who may have intended to intimate such a thing to me, but I was not aware of it, if they did. I know nothing of any such organization.

Question. In speaking with those gentlemen in Jefferson and in other places where some of these outrages have been committed, did they intimate to you that it was in consequence of any preconcerted plan?

Answer. O, no, sir.

Question. They did not admit to you that they had any camps or meetings?

Answer. O, no; I never heard of that in my life.

Question. You have heard of nothing of that kind?

Answer. I do not think it exists; I know it does not in the section of the State where I live, unless it is kept exceedingly secret.

Question. Have you heard of a great many colored men being whipped by bands of disguised men in different localities of the State?

Answer. I have not. There have been some disturbances up about Rome, said to have been committed by disguised men. But Rome is in the extreme northwestern portion of the State, upon the Alabama line, and I am in the southeastern portion of the State, on the Carolina line. I suppose I am three hundred miles from Rome, and really I am less acquainted there than with any other portion of the State.

Question. Have you heard anything about such things in the county of Clarke?

Answer. Nothing, except what I have seen in the testimony of Richardson.

Question. Is that a county in your circuit?

Answer. No, sir; it is an adjoining county; I do not practice in that county, and it is not in the congressional district in which I live.

Question. Is the county of Oglethorpe in your district?

Answer. Yes, sir.

Question. Have you heard of any disguised persons going about at night in that county committing outrages upon the negroes?

Answer. I have never heard of one there. I think that perhaps Oglethorpe, Wilkes, and Morgan are about as free from reports of that sort as any counties in that portion of the State; that is my recollection of them.

Question. In regard to how many counties of the State have you heard reports of that sort?

Answer. The county of Floyd, and what has been stated by witnesses in regard to Chattooga. I have heard statements of that sort in regard to Warren, Jefferson, Washington, and Columbia; I do not know that I have ever heard of any in Taliaferro. You mean whippings of negroes?

Question. I mean whippings of negroes by bands of disguised men.

Answer. I do not know that I have heard of them in the other counties; I do not know of a single case; I do not recollect one in which negroes have been whipped. The outrage in Jefferson County, of which I have spoken, was in regard to the delivery from jail of negroes who had whipped a white man.

Question. Have you not heard decent men of your party express the opinion that the operations of these disguised men would affect the vote at elections?

Answer. No, sir.

Question. You have never heard any such expression of opinion?

Answer. No, sir; I have never heard it.

Question. You have never heard it was for the purpose of affecting the vote?

Answer. No, sir; not until I saw it stated in the evidence of some gentlemen who have been before you, from another part of the State.

Question. Did you never hear it stated that the purpose was to keep the negroes in order; in due submission to the whites?

Answer. I have heard, as reasons given by those who palliate the conduct of parties

who had committed offenses against the negroes, that the law did not protect them [redacted] their property, and that they were forced to do this thing; not by any secret orga[redacted] ization, for I do not know that anything of the sort has existed in my part of the Stat[redacted] and indeed I do not believe it does, with the exception I have spoken of to-day. I believe the two men who were convicted in Washington court the other day for murd[redacted] belonged to a band of outlaws. I believe that the man who has been reprieved [redacted] Bullock is another of that band of outlaws. From the best information I can g[redacted] that band numbers about fifteen men, and they operate over Georgia from oppos[redacted] Abbeville, South Carolina, across the State; they have committed depredations j[redacted] along that line.

Question. Have you heard that they went disguised?

Answer. I think sometimes they were disguised; when they committed the mur[redacted] for which they were tried they were not disguised; but I think I have heard th[redacted] they had sometimes been disguised. It was supposed that a part of this gang w[redacted] down not far from the county seat of Columbia; the case was reported to me. I [redacted] they were not disguised then; they went there and gave notice to a man's labor[redacted] that they should leave his place. They are a reckless, daring set. The man follow[redacted] them the next day, and tracked them through Lincoln County and across the ri[redacted] He was satisfied who they were, though not knowing their names; he thought [redacted] Oxfords belonged to the party.

Question. We heard before the war of bands organizing for the purpose of committ[redacted] crimes.

Answer. I think they are such a band, though not so extensive, as Murrill's band [redacted] some years ago.

Question. These things to which I am calling special attention, and which are usua[redacted]ll understood by the term "Ku-Klux outrages," where men band themselves together [redacted]nd go in disguise and commit outrages upon colored persons and others, such as scourgi[redacted]ngs, giving them notice to quit, driving them out of the community——

Answer. I do not remember such cases as that. There was a case reported about a negro who was elected ordinary of Lincoln County. I knew him very well. He could not read or write. The office of ordinary is an important one. It has charge of the probate of wills, of assessments and disbursements of county taxes. After this negro got his commission he went to the acting ordinary, and said to him, "Massa Frank, I have been elected; I don't want the office; you attend to it, and I will attend to my boat." It was reported that the negro had been driven from his office. The truth is, he virtually holds the commission, but he holds it for the benefit of a lame man who has been ordinary for a number of years, and who has been kind to him.

Question. I find that in these cases where there were only two or three persons present the courts have taken hold of them?

Answer. Yes, sir.

Question. Do you know a case where men have been taken hold of by the courts who went with a band of disguised persons?

Answer. I do not know, except the instance I have given; and I know that Judge Twiggs was very energetic in that case.

Question. They have been arrested?

Answer. No, sir. The difficulty is that if there is any secret organization, where men band themselves together and commit crimes, they take precautions to conceal it; and the difficulty is not in punishing them, but in discovering them. If you could discover them anywhere in that section of the State where I live, they would be punished.

Question. If they do not prove alibis, or something else?

Answer. If they prove that they were innocent, or not guilty, they would not be convicted.

Question. It does not follow that a discovery would secure conviction?

Answer. O, no. I mean that if they were discovered, and there was proof of their guilt sufficient to sustain conviction, they would be convicted.

Question. Did you never hear it said that Mr. Wallace, who was killed in the Darden affair, was a chief of a Klan of that sort?

Answer. No, sir; I remember Wallace well. He was a very gallant fellow, the very soul of honor. A rash, intemperate man, an excitable man, and I think dangerous when aroused. I think he was an honorable man in every particular.

Question. You never heard it charged that he was a chief of what is commonly called the Ku-Klux organization?

Answer. No, sir.

Question. There have been frequent murders in Georgia; have you ever before heard of a rising of the people to punish a murderer, as they did in the Darden case?

Answer. I do not remember. I remember a case that occurred in Missouri; I had an uncle that was killed there by a negro many years ago, and the negro was taken and burned openly.

Question. Was not Mr. Darden a man of respectable standing?

Answer. Yes, sir, and a very clever gentleman, as far as I know.

Question. Was there any special atrocity attached to the murder by him above that others?

Answer. O, yes; it was looked upon as a cold-blooded assassination, a creeping up l shooting a man without his knowing about it. If Darden had met Wallace on the et, after the crim ination and recrimination that had passed between them, and they l actually drawn and fought, and Wallace had fallen, there would have been no ıble in that case, for Darden was altogether as respectable and well thought of in t community as Wallace; he had family connections there, and Wallace had not.

Question. Do you think that extraordinary turning out of the people, their applying to the jail in order to get it open so that they could get the man, had no connection h Wallace being a member of the Klan who came there to revenge his death?

Answer. I never heard any such thing intimated before.

Question. You said that two white men had been convicted for murdering negroes in ır State.

Answer. I said within my own knowledge.

Question. Will you give us some of the circumstances attending those murders?

Answer. Yes, sir.

Question. Well, take the first case.

Answer. That was a case in which the party was convicted for manslaughter. The ts were these: a man had been to a railroad station, driving a wagon, and had come intoxicated. That was in the last of July, 1868. He became very drunk, and rted home. They met a negro on the road who had a water-melon, and he got down d applied to the negro to buy it. Some words ensued—the witnesses did not hear e words—and a scuffle followed. He got the water-melon from the negro and returned the wagon, and was about to put it in the wagon, when the negro caught him by e arm and, as one witness stated, said to him, "No white scoundrel shall treat me in is way," and jerked the white man from the wagon. The white man pushed him wn, and as he raised himself and made a charge again, he drew a pistol from his cket, or from his belt, and struck the negro on the head; the blow was so heavy that killed the negro.

Question. He did not shoot him?

Answer. No, sir; and the idea of the jury was that as he had the pistol, and it was ided, and he did not attempt to shoot the negro with it, it showed that he did not ve any idea of committing murder.

Question. What was the other case?

Answer. I did not hear the development of the testimony; I left before it was finished. ıe judge, who was a friend of mine, told me about it. He said the evidence showed at it was a cold-blooded murder. The negro was living on the plantation of a man the name of Brantley. He had had a difficulty with the brother-in-law of the cused, and some rough words passed between them. It came to the ears of the cused, and he became very much enraged, and went to the cabin where the negro as, commenced an altercation with him, and drew a pistol and shot him through the ad.

Question. What was the standing of these white men in that community?

Answer. Very bad; they were believed to be of this gang of men who were committing outrages across that belt of country.

Question. Were they men of property?

Answer. They had some means, and they were ably defended. One of them married lady in Burke County who had some property. The one who was convicted of urder had a bill for murder against him in Hancock County, another in Washington unty, and another in another county. It is said that that fellow, James Oxford, has lled thirteen men; it is said that he has boasted of it. He is an outlaw.

Question. Suppose a negro should be killed by a man of respectability, standing, and fluence in your community; do you think there would be any difficulty in convicting him for it?

Answer. I think there would be; I think it would be difficult to convict a man anywhere that I know of, under our law, who has standing and influence, backed by ney; it is a very difficult thing to do. I have tried it a number of times, and I ve generally failed, when there was no politics in it and no question of race in it.

Question. You think it would be more difficult to convict him of the murder of a gro than it would be to convict him of the murder of a white man?

Answer. I think it would hardly be so now; it might have been some time ago, but hink the prejudice is dying out in our State.

Question. You spoke of the election in the city of Augusta, as I understood you, ere there were two places of polling, one for the colored people and the other for ite men. And you say that at the colored poll no negro could safely vote the mocratic ticket?

Answer. Yes, sir; I think so. I, myself, heard terrible denunciations of them; negroes, th bludgeons in their hands, were standing at the gate through which they went to e polling place, swearing vengeance against any damned negro who would vote the mocratic ticket, swearing that they should not live in that town.

Question. Do you suppose a negro could have voted the republican ticket at the white box?

Answer. No; if it had been known. I think they would have told him to go to the place provided for his race; but republicans did vote at the white box.

Question. They allowed negroes to vote the democratic ticket there?

Answer. Yes, sir; because they were prevented by their own race from voting their own box. If republicans had driven off republicans from their box, which is improbable, they would have been permitted to vote at the other box. But republican tickets by negroes would have been rejected at the white box upon the ground that they had a place where they could vote without molestation. Democratic negroes were allowed to vote at the white box because, although they had a place provided for them, they were not permitted to vote the democratic ticket there.

Question. You said something about Mr. Hurlburt. Do you mean to say that he was guilty of fraud in the manipulation of the ballot-boxes?

Answer. I mean to say that is the general opinion throughout the State; I have charged it in my paper, and I think I have had some evidence of it. It has been charged generally throughout the State, and Mr. Hurlburt has kept very quiet about it. There is no sensible man in Georgia who does not believe that General Gordon was elected by seven or eight thousand majority, while Bullock was counted in by about that much. We may be mistaken, but that is our belief about it.

Question. We have had it in evidence here that there were some stakes sold to negroes, and they were told that that would entitle them to land in one instance. I observed that you state that "they" sold the stakes to negroes. Have you heard of it in more than one instance?

Answer. I have heard of it in more than ten or twenty places. I do not know whether it is true or not. I saw one stake in one county that a gentleman said had been planted by a negro in his field; it was very fancifully gotten up.

Question. In what county was that?

Answer. In Burke County.

Question. Do you know anything about them in any other counties?

Answer. Yes, sir; in Jefferson, Washington, and other counties. I think there were very few parties engaged in that disreputable business; only some carpet-baggers just going through, who did that to make some money out of the negroes. I state it merely to show the extent of the credulity of the negroes; and I think there were quite a number of cases of that kind.

Question. You said something about two negroes, one named Robert E. Lee and one named Robert Lee. Was Robert Lee a negro who voted the democratic ticket?

Answer. I do not know how he voted; he was a native of the county and under the influence of white men, and, I presume, he voted the democratic ticket.

Question. Robert E. Lee was a republican?

Answer. I do not know what he was; I cannot say as to that. He was carried up there from Augusta by Sherman; nobody in the county ever knew him or heard of him before. I suppose, from his surroundings, that he was a republican.

Question. You are under the impression that Robert Lee was a democrat?

Answer. I think so, from the fact that he was in good hands.

Question. You mean by "good hands" that he was controlled by democrats?

Answer. Yes, sir.

Question. You say they undertook to take Robert E. Lee up there?

Answer. I understood the commission was to Robert Lee.

Question. You say that Robert E. Lee was appointed?

Answer. I say that Mr. Sherman took him up there and said he was the man. They had found a man named Robert Lee, and he had been acting for about an hour, when another man came up and represented that he was the one who had been commissioned.

Question. Had there been any search for Robert E. Lee?

Answer. I think not.

Question. Do you think there is any doubt that Robert E. Lee was the man intended to be appointed?

Answer. I have very little doubt that he was the man.

Question. Do you suppose that the white men who had got Robert Lee there had that belief?

Answer. do not suppose they had any belief of that sort; they were conscientious in desiring to have a man there in order that the election might go on. They saw that the two commissioners appointed by the ordinary had not been confirmed; there were two there who had been appointed by the governor, and they wanted a third man in order to make a majority of the board, so that the election might go on. I think they were conscientious in having Lee sworn in; I do not know whether, after the other man came up, they were satisfied he was the right man or not.

Question. Who made the appointment of Robert Lee?

Answer. The governor, subject to confirmation by the senate.

Question. Did it not strike the people as strange that the governor should appoint one single democratic negro?

Answer. I do not know that the negro was a democrat; I cannot assume that he was.

Question. You say you were under the impression that he was?

Answer. I am under the impression from his surroundings that he voted the democratic ticket that day.

Question. How many democratic negroes are there in that county?

Answer. I suppose that at an election to-morrow——

Question. I mean at that time.

Answer. There were some negroes who were democrats.

Question. Has there not been a contention between negroes and planters there; some of them, at least, in regard to their contracts about their portions of the crops, their wages, &c.?

Answer. None that ever came under my observation; I have heard that there was a difficulty in getting negroes to understand in the division of the crops what was their share, and frequently they have to call in a mutual friend to explain it to the negroes. A negro thinks that one-tenth is more than one-third, and it would be difficult to make him believe otherwise; you would have to get very strong proof to make him believe that one-tenth is not more than one-third. The difficulty in making these settlements grows out of the fact that the negroes do not understand these things; and they think, too, that the white man will cheat him; they look upon the white man as having cheated them all their lives. That is the trouble with them; I have had that difficulty myself; I have planted on shares with negroes.

Question. Have you heard of any serious difficulty on that account?

Answer. No, sir; I have heard white men express a great deal of impatience at the conduct of the negroes for not understanding their contracts.

Question. When these misunderstandings occur in regard to settlements, do the whites allow the negro to stand up for his rights and insist upon them?

Answer. Yes, sir; the negro will stand up and talk for his rights for five cents, as strongly as any white man would. They do not do it offensively, and they will not permit a white man to do it offensively.

Question. You think there is no difference?

Answer. I think it is quite likely a white man would take a little more from a white man than he would from a negro; I think it natural that he would; but a negro is not prevented from asserting his rights in a proper way, and as strongly and persistently as he chooses.

Question. You think there is no more disposition to take any thing from a negro in those cases than in any other case?

Answer. I think not.

Question. You spoke of a man being convicted of a rape, and the judge gave the lowest punishment which the law allowed?

Answer. Yes, sir.

Question. Who was that?

Answer. Judge Gibson; appointed by Governor Bullock.

Question. Is he a native of Georgia?

Answer. Yes, sir; and was a colonel in the confederate service, in my brigade, for a long time, and was wounded and captured at Gettysburg.

Question. Is he a good lawyer?

Answer. Well, sir, I do not like to speak disparagingly of those in authority, but I would say he was not a good lawyer.

Question. Is he a man of character, honesty, and good sense?

Answer. He had that before the war and during the war.

Question. Do you know of any act of his since then by which he should forfeit that character, other than his becoming a republican?

Answer. I know of no act; I would dislike very much to speak of rumors which I have heard of him; I prefer not to do it.

Question. You think the judge acted improperly in making that punishment as light as he did?

Answer. I cannot say that; it was a matter of discretion on his part; I only gave it as an instance to show that negroes are not severely punished. I do not know if I had been on the bench myself that I would not have given him the same punishment. I do not mean to say that anything was done wrongly in that case; I only referred to that to show that negroes are not punished extremely.

Question. That did not go to show that there was any difficulty in punishing a negro properly who had committed a crime?

Answer. No, sir; I only gave it as an instance to show that there is no disposition on the part of our people to deal extremely with the negroes.

Question. What was there about that case that mitigated it; was the woman of bad character?

Answer. No, sir; she was a woman of good character.

Question. There must have been some mitigating circumstance?

Answer. I do not know what it was; she was a woman of low position in society and such a proceeding would not have been so great a shock to her, perhaps, as to one of higher refinement.

Question. It really was not a rape, but simply an attempt to commit a rape?

Answer. It was an attempt; I think that such things as that ought to have some weight in inflicting punishment for crime; the shock of such a thing would not have been so great as for one of higher refinement.

Question. Why do you think it cost the State $8,000 to publish this letter of Governor Bullock's to this committee?

Answer. I do not know that it did cost the State a cent.

Question. You said pretty broadly that it did.

Answer. I stated that was the rumor; I don't know what it cost. You have asked me about what I have heard; this is the first court I have ever been in where hearsay testimony was taken; but it seems to me I have been upon that line pretty generally to-day.

Question. Have you ever been upon a grand jury?

Answer. I haver never been; I have been a lawyer all my life.

Question. Well, as a lawyer, you know that where they are not trying a man they take different testimony.

Answer. I only stated that I heard it cost $8,000; I do not know that it cost a cent, but I believe it did.

Question. And you believe that it was paid out of the State treasury?

Answer. I do.

Question. Why?

Answer. Because he has paid just such jobs out of the State treasury. I gave one instance—one job.

Question. What was that?

Answer. A publication of the notices of appointment of district judges and district attorneys, and the publication of pardons.

Question. Is not that all legitimate?

Answer. If you send an advertisement to me that occupies a square, and I make it occupy twenty squares, that would not be proper.

Question. That is not a wrong charge, but an overcharge?

Answer. Yes, sir.

Question. It was proper to pay for that publication of the list of pardons and the appointments of the judges?

Answer. Yes, sir; in one paper.

Question. Is there anything connected with this letter of Governor Bullock to Senator Scott that should require that much expense in its printing?

Answer. I suppose Bullock regards that as a great State paper. He takes high, Jeffersonian ground in that letter; he takes a great deal of pride, I think, in letting people know what he has said in that letter.

Question. It is not connected with his official duties?

Answer. I am aware of that; but you had addressed him officially, and he has replied officially. He was protecting the general character of the State, defending it against the movements of this committee. I have no doubt he aspires to occupy a position similar to that of Governor Troup in the Cherokee matter.

Question. He wants to follow the example of Governor Troup, and improve upon it?

Answer. I think so.

Question. You really do not know whether he is paying for this publication out of the State money or not?

Answer. I do not.

Question. You say he sent it to you for publication in your paper?

Answer. No, sir; but a gentleman whom I know to be his private secretary sent it to me.

Question. Did he send it to you as his private secretary?

Answer. No, sir; but the letter was written upon paper with executive letter-heads.

Question. He did not send it to you officially?

Answer. No, sir.

Question. He told you to send the account to him?

Answer. Yes, sir. If it had been signed officially, perhaps I would not have published it.

Question. If it had been signed officially, the account would have had to be sent to another officer of the government?

Answer. No, sir; Bullock has broken up that system.

Question. Did you publish any of his proclamations?

Answer. No, sir.

Question. You think the newspapers that did publish them made them occupy too much space?

Answer. Yes, sir.

Question. They were general proclamations in regard to crimes committed by disguised men?

Answer. Yes, sir. Let me tell you of one proclamation offering $5,000 for a man who had committed an offense against a negro in Hancock County. There never had been any warrant issued, or any attempt made to arrest him. The negro and the white man had had a fight, and Bullock offered this immense reward for this arrest. The man had never fled; the warrant was issued, and he came up and had his examination before the magistrate, or rather gave bond to appear in court; I believe he gave bond for $300, and he and the negro settled the case in an hour afterwards.

By Mr. BLAIR:

Question. Did anybody get the reward?

Answer. Yes, sir.

Question. Who got it?

Answer. It was supposed the man got a good part of it and divided it with the negro. There was another case of $5,000 reward offered for the arrest of some persons who went in disguise in Chattooga. The sheriff of that county, whose duty it was to make the arrest, had the information in his hands upon which to make it. But through his friends—I believe the solicitor was connected with it—he had this large reward offered. And the sheriff, with the information all the time, arrested the parties, drew the reward, and divided it with the solicitor.

Question. Who was that solicitor?

Answer. His name was Forsyth.

By the CHAIRMAN, (Mr. POOL:)

Question. You spoke of a man by the name of Fish, who was killed; how was that?

Answer. Fish was a lawyer of position and character, a gentleman, a republican, and an honest man. He was appointed district judge. A man by the name of Arnold was an applicant for the same appointment, a pronounced radical, and belonged to the Blodgett faction. Fish, who received the appointment, was a gentleman, a lawyer in good standing, and of great experience, had been a lawyer for twenty-odd years; he was highly connected in the State. Arnold was embittered at his rejection and the appointment of Fish. Fish, as a lawyer, had brought a libel of divorce against a man by the name of Holsenbake, had brought a libel for the wife of Holsenbake. Holsenbake's wife was said to have been a very attractive and fascinating woman. There was some talk of an improper intimacy between her and Fish, her attorney. And Arnold got Holsenbake to kill Fish on account of that; that was the case.

Question. That was a private difficulty?

Answer. Altogether.

Question. It had no connection with any bands of disguised men?

Answer. None at all. That was the case where I said Governor Bullock employed two democratic lawyers to prosecute, to each of whom he gave $1,000.

Question. Do you know what was the amount of debt contracted by the State at the close of the rebellion, generally denominated the war debt?

Answer. I cannot say how much was the State issue of treasury notes by Governor Brown; but I think it was from four to six millions of dollars.

Question. Do you mean altogether?

Answer. All the debt contracted during the war.

Question. You spoke of State issue.

Answer. There were two and a half or three millions issued on two different occasions, making, perhaps, six or eight millions of dollars altogether. That debt has all been repudiated.

Question. Did they issue bonds of the State?

Answer. They issued treasury notes, as they were called—State-issue notes.

Question. Did you not state that they also issued a circulating medium?

Answer. That is what I am speaking of.

Question. Were not regular bonds first issued, with coupons?

Answer. I do not think there were; I was not in the State during the war, but my impression is there were none issued. There was a very considerable addition to our funded debt just after the war for the purpose of supporting the poor and destitute in the upper part of the State. Both armies had been operating in Cherokee Georgia, in our State, and there was a famine among the people there. The State appropriated a large amount, and Governor Jenkins expended it.

Question. That was after the war?

Answer. Yes, sir. We spent several hundred thousand dollars to keep the people from starving that year.

Question. You spoke rather sharply of General Terry's action in regard to the legislature.

Answer. I did not intend to speak so; I tried to bear in mind not to speak evil of

those in authority. I differed in opinion with General Terry as to his power as a military commander there.

Question. Was any man turned out of the legislature unless obnoxious to the provisions of the reconstruction acts imposing disabilities?

Answer. I do not know of any one who was turned out without some excuse of that sort; they trumped up something; they had an accusation against every one.

Question. The men claim that they were charged wrongfully?

Answer. Yes, sir; and we think we proved it.

Question. They said they did not hold offices?

Answer. Yes, sir.

Question. And you think your proof was disregarded?

Answer. I do. If you want my opinion further, I believe it was disregarded with a view to control that branch of the legislature; the senate was safe for the radicals. I do not think General Terry was engaged in that disreputable conduct, but I think other parties were.

Question. You were engaged actively in defending the right of those men to their seats?

Answer. Yes, sir. I was a member of the executive committee; and I employed counsel, and acted with them in the case.

Question. Can you name any man who was turned out of his seat because he was said to have held an office before the war, when he did not hold it?

Answer. I think that Mr. Welbourn had no office before the war.

Question. What office did they allege that he had held?

Answer. That he had held the office of librarian; we had no such office in the State.

Question. Was not that a matter susceptible of proof?

Answer. We thought so. We had Governor Brown as a witness; he was librarian under Governor Brown.

Question. Was he librarian?

Answer. He had charge of the library; but there was no such office known to our statutes as librarian; there was no commission issued for such an office.

Question. There was no dispute as to the fact——

Answer. That he had charge of the library?

Question. You did not dispute the fact that he discharged the duties of librarian?

Answer. That he had charge of the library under appointment of Governor Brown.

Question. You contended that, as a matter of law, that was not an office?

Answer. Yes, sir; it was not an office at all.

By Mr. BLAIR:

Question. He did not take any oath?

Answer. No, sir; and he had no particular appointment; he was just in the employ of the governor, who put him in to-day and could turn him out to-morrow. That was the governor's own statement before this board.

By the CHAIRMAN, (Mr. POOL:)

Question. It was simply a legal question?

Answer. Yes, sir; and I thought I knew just about as much about the law as those gentlemen who were sitting there as majors and colonels; that I ought to know as much about it as they did, for their lives had been devoted to another branch of the service, and mine to the legal profession.

Question. Can you give us an instance of any case where a man was turned out upon the allegation that he held a position which he really did not hold?

Answer. They were all charged with holding an office; we denied the fact that they held an office. I remember the case of Mr. Anderson, notably rather a strong case; he was a notary public.

Question. Nobody disputed the fact that he had been a notary public?

Answer. No, sir.

Question. Your dispute was only as to the matter of law; that it was not such an office as was contemplated under the reconstruction acts?

Answer. Yes, sir.

Question. Was that the ground of dispute in every case?

Answer. I think so. I remember another case where a man had been a butcher; he was turned out.

Question. Why was he turned out?

Answer. Because they said, being a butcher, he had given aid and comfort to the rebellion. His butcher-pen had been seized, and after it was seized the evidence was that he had cut the throats of the bullocks, or had it done, rather than let the soldiers go in there and do it.

Question. He had held an office?

Answer. I think not; I do not remember that he had held any office.

Question. In his case the effort was to show that he had given aid and comfort to the rebellion?

Answer. Yes, sir.

Question. Did it not require two facts to be shown, that an office had been held, and that aid and comfort had been given to the rebellion?

Answer. I think so.

Question. It was not alleged that the trade of butcher was an office?

Answer. No, sir.

Question. Your complaint of General Terry and those decisions is that he held certain positions as making a man amenable to that disfranchisement which you thought in law were not such as were intended by the law to make a man amenable to disfranchisement?

Answer. That was one objection; we said he had no business in the matter at all.

Question. Suppose he had authority, that was the complaint?

Answer. Yes, sir.

Question. As to his having the authority, that is a different and distinct question?

Answer. I believe it is usual for a party to call in question the jurisdiction of the court, if such a question can be raised.

Question. That was a distinct issue?

Answer. Yes, sir.

Question. There is another branch of that, and perhaps you stated it a little more broadly than you intended when you stated that it was regarded by republicans and democrats as an executive usurpation?

Answer. Yes, sir.

Question. Do you mean it was generally regarded so by both parties?

Answer. I do not wish to be so understood; perhaps I should have qualified it in this way, it was generally regarded so by the democrats, and the leading republicans of the State also regarded it so; in other words, all republicans outside of the Bullock-Blodgett ring.

Question. They regarded it as an executive usurpation?

Answer. Yes, sir. I had conversations with some of them while the thing was going on, and I talked freely with them about it. I would like to be understood; there are some republicans in Georgia who are very offensive to us, and they are men who belong to what is called the Bullock faction. Those men are not regarded as reputable characters, they are not received socially by good people. But there are others like Judge Andrews, Judge Warner, Mr. Hill, Mr. Foster, and a number of other gentlemen, leading men, who are so received.

Question. There is a Bryant faction also?

Answer. I do not know; Bryant is a carpet-bagger, but I think he sides with the respectable portion of the republican party.

Question. There is still a subdivision, led by Senator Hill?

Answer. No, sir; I think Hill coöperates in his views with the better portion of the republican party. I think Bryant does so also, because he thought he could make more out of it.

Question. Bryant and Hill belong to the same faction?

Answer. Yes, sir.

Question. What do you mean by saying that if general amnesty were adopted there would be no further cause of complaint regarding these Ku-Klux outrages in Georgia?

Answer. I did not intend to say that, and I do not think I said it. I said this: that if this disfranchisement were taken off our people, there would be no further complaint against the Government. They do complain of the Government now; they say the Government has placed them in a terrible condition there; has taken away from them the talent and experience of the country, and has turned them adrift at the mercy of carpet-baggers and scalawags. I do believe if the disfranchisement under the fourteenth amendment were lifted from our people you would hear of no more trouble of any sort.

Question. None of these outrages?

Answer. I suppose there would be these sporadic cases; but you would never hear of any complaints against the Government—none of that bitterness expressed that you occasionally hear expressed there. I have no doubt it is generally felt, but it is only occasionally expressed. I feel it very intensely myself, though I do not express it, for it does not operate upon me particularly. I think the Government is doing itself wrong.

Question. It does not strike you, because you did not happen to hold an office before the war?

Answer. That is the fact. As far as I am individually concerned, if I had ambition, it would be to my benefit, for it would cut off competition. But I do not want to live where there is no competition, where talent is proscribed.

Question. It would cut off competition with members of your own party?

Answer. Yes, sir.

Question. Have there been many men relieved from disabilities in your State?

Answer. I think not. I have seen the list, and I think it amounts to two or three hundred.

Question. Have there been general applications to Congress for relief?

Answer. I think not.

Question. Do you know whether Congress ever refused to relieve those who applied?

Answer. Yes, sir.

Question. Has any bill been rejected for relieving people in Georgia from disabilities?

Answer. I do not know whether the bill was rejected or not; but I have a case in mind now, a friend of mine, whose name was here in a general bill. After his application was sent, and pending the bill, he unfortunately wrote a letter which did not please Governor Bullock, and his name was taken out of the bill that was passed.

Question. Do you know of any other case where a man was rejected who had made application to Congress?

Answer. I do not know that I can recollect any other.

Question. Has Judge Wright ever made application for relief?

Answer. I cannot say as to him.

Question. You spoke of Governor Johnson's case as a hard case; has he asked to be relieved?

Answer. I do not know that he has. I have talked a little with Governor Johnson, but I never heard him say.

Question. There have been a great many people from your State relieved upon application?

Answer. Not a great many, considering the number of those there who are disfranchised. I suppose there have been two or three hundred relieved.

Question. Why have they not applied to Congress for relief?

Answer. I cannot say. I suppose, though, that a number of them thought it was no use to apply, as they did not belong to the party who had the majority here, and who could control the matter.

Question. You know of no one who has applied and been rejected, except the one case you mentioned?

Answer. I cannot say about that.

Question. That gentleman, you say, wrote a letter that displeased Governor Bullock?

Answer. Yes, sir; and it looked to us very hard that the displeasure of Bullock should control Congress.

Question. Do you recollect the contents of the letter?

Answer. No, sir; although I published it. It was not abusive of anybody; I think it was more defining his position. I think he rather insisted in the letter that, strictly, and according to his views of the case, he was not disqualified.

Question. Was he a republican?

Answer. No, sir; he was a personal friend, I think, of Governor Bullock up to that time. I know he had been his counsel in a railroad case there; he was a lawyer.

Question. Why did those negroes in Jefferson County take the men out of jail when they were sentenced for only thirty days' imprisonment?

Answer. I said that some of them might have been sentenced for sixty or ninety days.

Question. Why did they go there?

Answer. I do not know. Cudjoe Fye said that he had orders from headquarters at Atlanta to go there and release them; he gave his notices in writing, so I heard it said.

Question. You say that in that county a band of disguised men did afterward take some negroes out of the jail, killed one and cut the ears off the others?

Answer. One of the negroes was killed, and my recollection is, that an ear was cut off one of them. I do not know whether that party was disguised or not.

Question. Were those negroes sentenced?

Answer. Yes, sir.

Question. For what?

Answer. I think the negro who was killed had been accused of burning a gin-house, with its contents; the other negroes, I think, were confined for less offenses.

Question. For larcenies?

Answer. Yes, sir; something of that sort.

Question. Was it not given by the negroes as a reason for releasing those prisoners that there was reason to apprehend that they would be taken out of jail and dealt with summarily?

Answer. No, sir.

Question. Have negroes been repeatedly confined in jail there under heavy charges, and sent from there to the penitentiary?

Answer. No, sir; I do not think so. Perhaps, with a single exception, that was about the gravest charge made. A number of negroes had been in jail for minor offenses, and had served their time out without being molested.

Question. You cannot give any special reason for this release in those cases?

Answer. I cannot.

Question. How many were released?

Answer. I cannot tell; quite a number—five or six or eight.

Question. You heard no reason given?

Answer. I saw the notice of Cudjoe Fye that he was acting under orders from headquarters at Atlanta.

Question. I mean the reason why such orders were issued?

Answer. No, sir; and I do not believe he had any such orders.

Question. Was any reason alleged for it?

Answer. Only that.

Question. That was not a reason.

Answer. The reason given by the negroes—some of them were tried and convicted, but we thought it would be cruel to prosecute the whole body of deluded negroes—they said they appeared in obedience to orders that they thought were authoritative. Cudjoe Fye was not convicted for inciting insurrection, as he ought to have been; he was convicted for a less grade of offense, and sentenced to the penitentiary for three or four years.

Question. Those negroes who turned the prisoners out of jail were prosecuted in court, and some convicted and punished?

Answer. Yes, sir.

Question. What became of the prisoners themselves?

Answer. I do not know that the prisoners were ever reärrested. I think that the community thought that as they had been discharged they had better let them go along.

Question. Tell me whether the white men who last year, or this year, whichever it was, took those negroes out of jail and killed one and cut the ears off the others, were ever prosecuted?

Answer. Judge Twiggs held a court there for three days, gave a strong charge to the grand jury, put the whole force of the county at their disposal, and exercised great diligence in attempting to find out who were the parties; but they utterly failed.

Question. Was he a republican?

Answer. No, sir; he is said to be a democrat.

Question. He went to the county and held a jury there in session for three days?

Answer. Yes, sir.

Question. And that jury, in the three days' session, found no evidence by which they could identify any person in the crowd that took those negroes out of jail and killed one and cut the ears off the others?

Answer. No, sir.

Question. But when the negroes took some out, and did nothing to the prisoners, they were convicted?

Answer. Yes, sir; they went there in the day-time; the citizens had a parley with them at the edge of the town, and they had another parley at the jail before they went in; there was no trouble about identifying them.

Question. How many men went to the jail at the time the negro was killed and they cut the ears off the others?

Answer. I do not remember; I have an indistinct idea that there was quite a number.

Question. Was it at night?

Answer. I think so.

Question. Is it not a little remarkable that such an outrage could be committed right in the body of the town by a number of persons, and nobody identified them at all?

Answer. No, sir; the jail there is situated upon the outskirts of the town, and I should suppose that at night a party could go there where the jail was situated, open it, and take anybody out without it being known whether they were disguised or not.

Question. Was there any circumstantial evidence in the case?

Answer. They were tracked for some ten or twelve miles, into another county, and then all trace of them was lost. I think the impression there was that it was a party of persons from another county.

Question. Why should a party of persons come from another county into that county?

Answer. I do not know, and I do not know that that was so; that is only the impression on the part of some people.

Question. You say there is no organization of Ku-Klux or disguised men in that county?

Answer. I think not.

Question. You have heard that the custom of the Ku-Klux is to send to another county for persons to do what they want done?

Answer. No, sir.

Question. You have never heard of that?

Answer. No, sir; I only know what I have heard here about that; I have heard more here about it than I ever heard anywhere else. I give you that instance, and another instance, where the parties were tracked over into Lincoln County.

Question. Does it not seem a little remarkable that while the citizens of that county would not take those persons out of jail, a band of men should come from another county and do it?

Answer. It would seem so, rather remarkable. I do not say that it is so, or that I believe it. I cannot myself see why strangers should go and interfere with the business of the people there.

Question. You say they were tracked into another county in two cases?

Answer. Yes, sir; some were tracked for a distance, and then all traces of them were lost.

Question. Suppose it to be the fact that they had come from an adjoining county, would not that raise the suspicion in your mind that there was an organization in each county that understood each other?

Answer. No, sir; I do not see there is any connection with that. Indeed, I do not believe there is any such organization in that part of the State, except the band I have already spoken of, that sort of Murrill gang. Most of this class of outrages you have heard of, these murders, were committed by parties in that gang, I think.

Question. The jury was in session three days?

Answer. I think so.

Question. Investigating the murder of one man, under the circumstances detailed by you, and the cutting off of the ears of several others?

Answer. Yes, sir.

Question. Do you think three days' time adequate for such an investigation?

Answer. I was not there, and I cannot say. The judge who was there thought so. I thought he showed a commendable zeal while the thing was fresh, and strained a rather doubtful power in opening the court there. I thought he was entitled to credit for that; and he thought that time was sufficient.

Question. Did they examine many witnesses?

Answer. I think so.

Question. They were in session three days?

Answer. I think for three days only; the court was to be in session soon. They were left charged with that investigation during the vacation. Under our system, when a jury is charged with any subject, when the court adjourns, they are still the grand inquest of the county.

Question. Have you heard of any school-houses being burned in any county in your circuit?

Answer. No, sir; I have heard of but one school-house burned in the State, I believe, and that was up in Floyd or Chattooga County. It was burned upon the plantation of an old man who used to be a member of the legislature before the war; I knew him very well—Mr. Shropshire. I heard that the reason was that it was put up right in the face of and in close contiguity to a white school-house.

Question. You have heard of none being burned in the circuit where you practice?

Answer. No, sir; but I know of a number put up by white men for the benefit of negroes.

Question. You speak of twelve hundred negroes being educated at one time?

Answer. In one county.

Question. Which county?

Answer. Richmond.

Question. And by the white people alone?

Answer. Yes, sir; the negroes do not pay any tax there, not even a capitation tax.

Question. Do you mean by voluntary contribution?

Answer. By a contribution laid by the people themselves.

Question. By the commissioners?

Answer. By the ordinary, upon the recommendation of the grand jury. Strange to say, in concocting that very extensive education bill, they left out the power to levy taxes for the support of schools. We had to go back upon the old system. In Richmond County we paid $17,000 upon the recommendation of a grand jury of white men. As the law had failed to provide even for building school-houses and for educating our children, the grand jury, in their session of four weeks ago, in June, recommended to the ordinary to levy a tax sufficient to raise $17,000.

Question. To establish free schools?

Answer. Yes, sir. The ordinary reported the number of scholars attending the schools; and my impression is that there were over twelve hundred negro children attending school.

Question. Does the State fund apply to free schools?

Answer. I am glad you mentioned that. Under the constitution of 1868, one-half of the revenue derived from the State road was perpetually set apart for an educational fund; the whisky tax, the tax on shows and circuses, were set apart for that fund. That tax was collected and paid into the treasury, and was lying there last fall when the legislature met. That republican legislature took that money out of the hands of the treasurer, and expended it upon themselves to pay themselves, about the time they

ere going away. They then required that the governor should issue bonds and place em in the hands of the treasurer in the place of that school fund they had appro- iated for their own purposes. But there was no provision made for negotiating ose bonds, and there was no chance for the children of the State to get the benefit them. The children of the State were really robbed by that legislature of the fund ich had been set apart for their education.

Question. Had there been any free schools established under the State fund?

Answer. We have not got the State fund; the legislature got it.

Question. They had been established before that time?

Answer. We had a general system there, but it was a very peculiar one. Each county d charge of the education of its own children; each county established its own sys- n, and the people taxed themselves for the support of the schools. I think that der the old system the State contributed just as much as the county did. But there s no general system of education for the State; each county had its own peculiar stem.

Question. Is that carried out in this county of Richmond; does the State contribute much as the county levies for that purpose?

Answer. The State has not contributed since the war. After the adoption of the sent constitution that system went by the board; and we cannot get the money m the State, for the legislature has spent it. We do not even get the whisky tax, e tax on licenses, shows, jugglers, and all that. We have got, in addition to what tax ourselves, $2,000 from the Peabody fund, which has been of great assistance us. There is a very general disposition to educate all classes, and a very general termination to educate them in separate schools.

Question. What are the subjects of taxation?

Answer. It is an *ad valorem* tax laid upon all property, and a special tax in towns.

Question. It is not confined to real estate?

Answer. No, sir.

Question. Do they tax cows, pigs, &c.?

Answer. Yes, sir; they tax anything you have.

Question. Do they tax these things in the hands of negroes as well as in the hands of ite men?

Answer. Yes, sir; but the negroes do not give them in. It was in our State so that egro could not vote without paying a capitation or poll tax; but the last legisla- re repealed that, because none of them ever did pay any poll-tax.

Question. Did you say that no negro in the county of Richmond gives in his prop- y?

Answer. I say that in the county of Richmond there are over three thousand colored ters; and I say that there never was five hundred of them who paid their poll-tax en.

Question. You say that in this assessment they do not give in their cows, pigs, &c.?

Answer. No, sir; they have none in town, or, if they have, they do not give them in. ell you that the negroes do not pay taxes.

Question. If the tax is levied upon all property——

Answer. If you are taxing property, how do you know where George Washington, poleon Bonaparte, Oliver Cromwell, and such persons are? It is like catching the -Klux; you cannot find them. I suppose that in Augusta there are a few negroes o are worth property. A negro man the other day there received a $3,000 legacy m his former master; and he may pay a tax on that; but I say that the great body of negroes do not pay any tax.

Question. Is it not the duty of the assessor to go around and find the property and ess it?

Answer. Yes, sir.

Question. Does he not do that with regard to the property of negroes as well as the perty of white men?

Answer. No, sir. Our tax system is very loose. I never had a man come to my place in life to tax my property. We have no one to assess our property, but we give it in selves.

By Mr. COBURN:

Question. To whom?

Answer. To the receiver of the tax returns; he gives notice that he will be in his office such a time, and will receive the returns. If he suspects you have not given in a rect valuation, or has reason to believe so, he may then inquire about it.

By the CHAIRMAN, (Mr. POOL:)

Question. Suppose that a man does not give in any property at all?

Answer. Then, if it is known that he has property, I suppose he would assess a able tax, as they did upon Bullock.

Question. Why do they not do that to the negroes?

Answer. We have an exemption law in Georgia, but I believe that does not apply t taxation; but the negroes have very little property.

Question. You say——

Answer. I say this: that we have had republican tax-collectors, and they ha failed to collect any tax from the negroes; whether they have done their duty or n I will not undertake to say.

Question. So that, when you say these twelve hundred negroes were educated by white people alone——

Answer. I say the $17,000 which we voted the other day was voted by the white alone; and that that $17,000, every dollar of it, would be collected from white peo there may be two or three hundred dollars collected from the negroes.

Question. Was it put in the direction levying the tax that it should be paid by white people?

Answer. No, sir; there was no discrimination of that sort. I did not underst you before. The white people are willing to have the negroes educated.

Question. It was a general public tax laid upon the property of the county?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. When was this system inaugurated of indorsing railroad bonds by t State?

Answer. Since the war.

Question. How soon after the close of the war?

Answer. I think that in 1866 there was a road that had been completed for sixty or seventy miles, called the Macon and Brunswick Railroad; and I think the State under some very strict provisions indorsed bonds for that road, to the amount of $10,000 a mile. I think that was the only road whose bonds the State indorsed until 1868, 1869, and 1870.

Question. The policy inaugurated since 1868 has been rather a continuance of the policy established in 1866?

Answer. No, sir; there was no policy established then; that was an isolated case. The road had been built for a number of miles; it was about to fail; it was considered a work of general improvement to the State, rather a trunk line. I know that a number of railroads were obliged to fail or obtain aid from the State. The policy of the State before had been to take stock in a road. The State owns $1,100,000 of stock in the Savannah and Gulf Railroad, which was contemplated to run from Savannah t Thomasville; that was called the main trunk; and the State took that much stock in it to build it to a point called Initial Point, from which point it was supposed private enterprise would build roads radiating from it; that was the former policy of the State.

Question. Still the policy of granting State aid to railroads is not new in your State?

Answer. Not especially, but it is the indorsement of the bonds of particular roads.

Question. How is the State protected? You said the prospective indebtedness of the State was very large by reason of its indorsement of these bonds?

Answer. They have a first mortgage on the property of the road. Then there is a stipulation that the State shall subscribe only as much stock as has been subscribed by individuals; that is a stipulation always in their charters, and a stipulation which is violated every day, and against which the State cannot protect itself. And in regard to a number of the roads, the bonds of which the State has indorsed, the amount is more than sufficient to complete and equip the road.

Question. What is the indorsement per mile?

Answer. From $12,000 to $15,000; generally $15,000 to the mile.

Question. Can your roads be built and equipped for that?

Answer. Yes, sir; in the sections of the State where most of these roads are located; some of them cannot.

Question. Was your judiciary elective before the war?

Answer. It was elective before the war; but during the war it was given to the governor, Governor Brown being the governor, and that system was found not to be satisfactory. Immediately upon the close of the war it was given back again to the people by the convention of 1865.

Question. So that the policy of appointing the judges by the governor, subject to confirmation by the senate, is not an altogether new policy?

Answer. It has been tried before and abandoned.

Question. You say that Governor Bullock has the appointment of these different judges?

Answer. Yes, sir.

Question. And that he has appointed six democratic judges?

Answer. I mentioned the names of six who I supposed were democrats; I suppose about that number of democrats have been appointed. I stated that before the war the election of two thousand justices of the peace, who have vast power as committing

officers, was not taken from the people; they were elected by the people; but under Governor Bullock's administration he appoints one in each militia district in the State.

Question. Do you know that the convention which framed the constitution under which you now live was influenced to some extent to take away this elective power from the people by reason of the fact that there was such a large number of persons added to the voting population?

Answer. On the contrary, I should suppose the very opposite would have been the influence with them, for there were negroes in the convention, and they constituted a very large element in it; the negroes and carpet-baggers had a majority there.

Question. Speaking of carpet-baggers, will you define what you mean by that term? I should like to know what you mean.

Answer. I will give you any assistance I can on that point. I mean a man who goes down in the South to make his fortune by politics, to stir up strife between the races, and try to get office as governor and judge, member of the legislature and senator; men who go there with politics as a trade; low people at home, without reputation or standing at home, who go there hoping that in the upheaval of society they may make something by it.

Question. Suppose that a gentleman, having been born in the State of New York, had left it before the war and settled in a Southern State; shortly after his settlement there the war came on, and he left his adopted State during the war; as soon as the war was over he returned, and was elected a member of Congress under the reconstruction acts, came to the House of Representatives, and was enabled to take the test oath and be sworn in. Would you call such a man as that a carpet-bagger?

Answer. I should think not; if he returned to his residence, from which he had been driven by the results of the war, I see no reason why he should be called a carpet-bagger.

Question. Suppose a man settled there in 1865, purchased property, made it his home long before colored men had the right to vote, before the reconstruction acts passed; suppose that having settled there he was afterward elected to the position of member of the legislature, or to any other position, would you call him a carpet-bagger?

Answer. I do not think the election of a man to any office makes him a carpet-bagger.

Question. And his politics does not make him a carpet-bagger?

Answer. No, sir; we have men in Georgia who have not been there a year, who are not carpet-baggers, and who are republicans.

Question. For instance, in my own State our present governor was born in Scotland, and under our old constitution he was disqualified from holding office because of his foreign birth; under our new constitution he has been made eligible to be elected as governor, and he has been elected governor of our State. You would not call him a carpet-bagger?

Answer. No, sir.

Question. You say in reference to the voting of colored men, that they sometimes expected that they would get something when they voted?

Answer. Yes, sir.

Question. I do not understand exactly what you mean by that.

Answer. I will explain it again. I stated that just after the war, when voting was a new thing to the negro, he was very ignorant, and was made to believe by the carpet-baggers that by voting the republican ticket he would get a great many things.

Question. Did you ever hear a republican speaker, or any person holding any position in the republican party, promise anything of that kind to the colored race?

Answer. I never attended a republican meeting but two or three times, and in those meetings I heard the negroes told by white and black speakers that if the body of the people South, the democrats, got into power, they would put them back into slavery.

Question. It is the other branch of your statement I want to inquire about. Did you ever hear anything promised to the negroes?

Answer. No, sir; I never did; but I have heard negroes say time and time again that they were promised.

Question. But you never heard anybody make any such promise to them?

Answer. No, sir; I have not had any dealings with people of that kind; but I know a number of negroes who said promises were made to them, and I believe they told the truth.

Question. In regard to the painted stakes of which you have spoken: you said, in speaking of the persons that sold them, that "they" sold them. To whom did you refer by "they?"

Answer. I meant the parties who carried them there and dealt them out to the negroes—the carpet-baggers.

Question. Do you know of a certainty that they were carpet-baggers?

Answer. I have not been speaking of my own knowledge at all; I said that this was the statement.

Question. Have you reason to believe it?

Answer. I have reason to believe it; I have seen a stake that had the ear-marks of stake; and I have had the statement from negroes in different counties that it was done, and I believe it.

Question. In speaking of the burning of gin-houses, what cause do you assign for that burning?

Answer. I cannot tell you. It troubled me very much; I had occasion to give a great deal of attention to that subject, and I never could account for it. That there was some system about it was apparent from the frequency of the occurrences.

Question. In what season of the year were they burned?

Answer. In the fall. You know that a gin-house where the ginnery runs is somewhat extra-hazardous, as insurance gentlemen call it; there is danger from friction in running the gins.

Question. You know of some instances where they were burned in that way?

Answer. Yes, sir; not in all cases; some were burned where there was no running of the gin during the day.

By the CHAIRMAN, (Mr. POOL:)

Question. Do not some of them take fire from spontaneous combustion?

Answer. In some cases that might have been. But there is not so much of that burning of gins now.

By Mr. BUCKLEY:

Question. Do you not think that grew out of the demoralization which followed the war?

Answer. I regarded it as growing out of the deviltry taught to the negroes by the carpet-baggers.

Question. You think they taught them to burn gin-houses?

Answer. If they did not teach them that, they taught them to hate the white men there.

Question. In regard to this subject of disabilities, how many men are under disabilities in Georgia?

Answer. I gave a great deal of attention to that in 1868; I took the figures and carefully studied the matter. According to the construction put upon the act of Congress by General Terry there are twenty-six thousand or twenty-seven thousand in the State; but according to the construction put upon that act by myself, and I believe by the Committee on the Judiciary in the Senate here, there are only about fifteen thousand or sixteen thousand. That, however, is but a mere matter of calculation, because we have no registry of offices which is acessible; it can only be approximated by reference to the different grades of officers, the number of them, and an estimate of the probable mortality among office-holders.

Question. You spoke of young men being in the legislature?

Answer. Yes, sir.

Question. Do you think the State will lose anything by the introduction of young men into its legislature?

Answer. I trust not, except through their want of experience.

Question. In 1860, you had experience and intelligence and skill?

Answer. We had.

Question. And it was that intelligence, and experience, and skill that took the State out of the Union?

Answer. I presume it was the intelligence of the legislature of 1860 that took the State out; and I presume to-day that intelligence would say it was one of the grandest blunders they ever committed; but I never heard of but one man so intelligent and so learned that he never made a mistake; we have one in Georgia who says he never did make a mistake.

By the CHAIRMAN, (Mr. POOL:)

Question. I find that Governor Bullock in his letter to this committee says:

"In this State, a constitution was framed and adopted in 1865, under the authority of President Johnson's proclamation, which disfranchised ninety-five thousand male citizens over twenty-one years of age. This was democratic."

Answer. Well, Governor Bullock does not exactly understand the force of the language put in his mouth by his attorney general; nobody was disfranchised, but there were ninety-five thousand adult negroes in the State who had never been allowed to vote; they had never been enfranchised.

Question. That is what he means?

Answer. Yes, sir.

Question. I observe that he says:

"Under the authority of an act of Congress, a constitution was framed in 1867 and 1868, by delegates elected by the people, and ratified by the votes of a majority of the people, whereby every male citizen twenty-one years of age, of sound mind and not convicted of crime, is authorized to vote and hold office. There is not a word or a line

that constitution which disfranchises or disqualifies any citizen of this State from
e exercise of any political privilege."
Answer. So far as I know, there is no disfranchisement in that constitution. The only franchisement our people labor under is that imposed by the fourteenth amendment the Constitution of the United States.

By Mr. BLAIR:

Question. Were they disfranchised in the election upon that constitution?
Answer. They were disfranchised then.

By Mr. BUCKLEY:

Question. Under the reconstruction policy of President Johnson, there were some ten isses, were there not, who were obliged to apply for pardon?
Answer. I think there were twenty; some ten or twenty classes.
Question. Were not persons who were embraced in any one of those classes and had t obtained pardons, were they not disfranchised?
Answer. I think some of them were allowed to vote.
Question. Is it not possible that Governor Bullock may have referred to those classes io were not pardoned?
Answer. O, no, not ninety-five thousand; we had only about one hundred thousand ters in the State; he refers to the negroes.

By the CHAIRMAN, (Mr. POOL:)

Question. There has been a great deal of complaint concerning the election of carpet-ggers to office in the State; that Governor Bullock has appointed carpet-baggers to ice?
Answer. I do not remember as to that; there have been a number of them.
Question. There has been a great deal of complaint against him in the newspapers out it; the governor in this letter gives the number of carpet-baggers that have been it into office.
Answer. A number of them very important officers; one justice of the supreme court ould perhaps come under your definition of carpet-bagger, not under mine; he was rn in Massachusetts, and is a very clever man—Judge McCoy; another judge, Judge arner, was born in the same State, I think; I think Mr. Trumbull read law in his fice; they are not carpet-baggers, perhaps; they are gentlemen, learned lawyers.
Question. They are competent judges?
Answer. Yes, sir.
Question. After your complaint about carpet-baggers, I was somewhat struck by a assage in Governor Bullock's recent letter, which I will read to you. He said:
"In this State there is, so far as I know, not more than a dozen men in office, (and hose of an unimportant character,) either elected by the people or appointed by me, ho were not either natives of the South or resident citizens here before and during he war."
You would not call men carpet-baggers who were resident there before the war, and luring the war?
Answer. No, sir; I am not prepared to say that I know of more than a dozen that he as appointed to office.
Question. He says appointed, or elected by the people.
Answer. I do not know that I know of any more than that number, appointed or lected; I do not pretend to say that is true, but I could not perhaps mention more.
Question. That would not be the cause of any very great complaint on the carpet-agger question?
Answer. No, sir; we have not complained of the carpet-bagger question; we have ot rid of them now.
Question. The governor says in his recent letter:
"The officers appointed by the governor are three judges of the supreme court, twenty dges of the superior courts, one attorney-general, twenty solicitors-general, State hool commissioner, superintendent, treasurer and auditor of the State railroad, six ustees of the public institutions, &c. In this number there was but one gentleman ho was not either a native of the South or a citizen of Georgia before and during the ar. The one referred to was eminently fitted for the position to which he was ppointed, and, as a man of worth and good character, is not surpassed by any in the tate."
Answer. I intended to say, and I think I have said, that I never heard any charge of and or corruption against our judiciary. The statement there made that they are en of respectability and social standing is true. The objection is that there is a ant of competence on their part; they are not competent to fulfill the duties of their sitions; the people, or a part of them, have no confidence in them.
Question. That statement of Governor Bullock is substantially true, then?
Answer. I think so, so far as I know. I cannot recall, without some trouble, a half a zen names of carpet-baggers who are in office under the State government now. As

I have told you, we have got rid of those; we have cleaned them out; we have settled with them; we have no trouble down there now with them. And if you will just let us alone, let us go along and pay our debts, get a little money, and take off this disfranchisement, we will after a while learn to forget that there has been a war.

By Mr. BECK:

Question. I find that by the act of the legislature of Georgia of 1869, among other things, the following property is exempt from taxation:

"All plantation and mechanical tools, and all household and kitchen furniture, not above the value of three hundred dollars, not held for sale or as merchandise.

"All poultry, and two hundred dollars in value of other property, besides the special exemptions, but which latter do not obtain in favor of non-residents.

"All annual crops and provisions, all fire-arms, and all munitions, and all wearing apparel not held as merchandise."

I ask whether that amount of property, thus exempt from taxation, does not cover all the property owned by largely more than nine-tenths of your colored population?

Answer. Yes, sir; more than ninety-nine hundredths of them.

WASHINGTON, D. C., *July* 27, 1871.

JOHN B. GORDON sworn and examined.

The CHAIRMAN, (Mr. POOL.) Mr. Beck, as this witness has been called at your request, you will please open his examination.

By Mr. BECK:

Question. State your place of residence.

Answer. Atlanta, Georgia.

Question. How long have you resided in Georgia?

Answer. I was born and raised there.

Question. You have always lived there?

Answer. I have always lived in the State, with the exception of one or two years; I was educated there; I have lived in Atlanta since 1867; I practiced law prior to the war.

Question. What public positions, if any, have you held in the State of Georgia?

Answer. I never have had an office of any description.

Question. You ran for governor once?

Answer. I was a candidate for governor in the spring of 1868.

Question. Where did you reside immediately after the close of the war?

Answer. I removed to Brunswick, which is on the coast, a little south of Savannah; it is one of the most important sea-ports in our State.

Question. You lived there several years?

Answer. Yes, sir; I lived there about two years—until the latter part of 1867.

Question. And then you returned to Atlanta?

Answer. Yes, sir; I returned to my home in Atlanta; I was down at Brunswick, engaged in the lumber business; I had some saw-mills, &c., there, and was looking after my interests down there.

Question. The object we had in calling you as a witness was to get from you, if possible, a general view of the condition of the State of Georgia, to ascertain whether property and life are protected there, whether any crimes have been committed by disguised men. From your general knowledge of affairs in that State, we desire you to tell us whatever will enable the committee to understand fully the condition of affairs in Georgia, with reference to these matters. In answering the question, you are not limited to your own personal knowledge, but you have a right to tell anything you may have heard from such sources as you believe.

Answer. If it is worth anything to the committee I will give a statement as to the condition of affairs on the coast. Directly after the war I went with my family to Brunswick to engage in the lumber business. On my arrival there I found the place occupied, as were a number of places along the coast, by negro troops. In that portion of Georgia, all along the belt of sea-coast, for probably a hundred miles from the coast and up nearly to the middle portion of the State, the negroes, as a rule, largely outnumber the whites in every county. That is particularly so in the belt of country bordering on the Atlantic, embracing the Sea Islands. I suppose that in the county in which Brunswick is situated—Glynn County—the negroes must out number the whites, at a guess, eight or ten to one. I would say that without knowing the precise statistics. The disproportion of population between the blacks and whites is very great. When I reached Brunswick I found there was a very bad state of feeling between those negro troops and the citizens. I paid very little attention to the matter, but in walking the streets at times I found that these troops were insulting toward those whom

ey had heard were in the army. In passing by them in the street you would hear ch remarks as this: "There is a damned rebel." Meeting you on the side-walk ey would, without being absolutely violent, get you off the side-walk; they would fuse to divide it with you. These things attracted my attention. I was acquainted ith some citizens there, and, on one occasion, soon after my arrival, some of them me to me and said that an old gentleman, living just out of the city, had been bbed. On inquiry I found that this old gentleman had been stopped on the road and bbed by these troops, and had been treated very badly; had not been personally jured, but very grossly insulted. He had been told that if he dared to oppose them ey would take his life—"pin him up to a pine tree," or something of that sort was e language. They had also, directly after my arrival, taken a young man from the wn, carried him into the woods, and laid him down, with a negro on each side, and d drawn a knife across his throat three or four times, telling him that they intended take his life. After tantalizing him in that way for some time they turned him loose. Such things of course created a good deal of feeling in the little town of Brunswick, ich is now called a city; and especially did they excite the population very much, cause of the immense number of negroes in the immediate vicinity of Brunswick on islands around. The negro population generally became very obnoxious. They truded themselves everywhere they could. There was not only apprehension but ided alarm among the people, so much so that I was asked, not only by the people hat town, but of Darien, Georgia, and along the coast where these negroes were, to go to avannah immediately and apply to General Brenham to have the negro troops removed. my arrival, I found General Grant was just starting to Brunswick on his tour through South. I applied to him, and submitted affidavits, as well as told him what I had sonally seen. After hearing the testimony, he said to me, "Well, I think there is danger of bloodshed." I replied that our people were doing all they could; they re forbearing any violence; they were suffering the indignities offered them rather n create a difficulty; but that while we were observing our parole, and were ermined to keep the peace and abide by the laws, things had come to such a pass it they might soon be beyond endurance, and that very certainly there would be odshed unless these negro troops were removed; I doubted whether even that would eck the hostile demonstrations of the negro population, although I thought it would very far toward it. On further consideration, General Grant did order General enham to remove the negro troops from that point. I traveled with General Grant rough Georgia for about three days, and on parting with him in Atlanta, on the third y, when we were speaking about matters in Georgia, he expressed general satisfaction th the state of things, and consented, before we parted, that all the negro troops ould be removed from the State. That was carried out; and as soon as the white ops occupied the camps which the negroes had occupied we had very little more uble. I mention this with a view to show that at that time there was the very ndest feeling in Georgia, on the part of the white race, toward the negroes who had st been emancipated, and that a great deal of forbearance was exercised toward em.

There is another fact I will mention in that connection. Immediately after these currences of which I have spoken, an application was made to the citizens of Bruns- ck—myself among the number—to aid the negroes in building a school-house and hurch. I owned some mills, and contributed very largely myself, in the way of lum- r, toward the building of both the church and the school-house. This was in 1865 1866—very soon after the war—either in the fall of 1865 or during the winter of 5-'66. In answer to a communication from the trustees of the negro school, inquiring to my opinions about the education of the negro, I wrote a letter encouraging them, d promising the aid of our people. And that letter, by the way, was used as a cam- ign document in my behalf when I was afterward canvassing Georgia for governor. e letter had been preserved by those negroes, and was published at that time to our ple. It was an answer to a communication from the negro trustees of this school, ich the whites mainly had built, the negroes contributing only such small amounts they were able to contribute. In that letter I urged upon them to educate their ple, and pledged the coöperation of the whites in that direction. I urged the portance of friendly relations between the two races, reciting the fact that we were npelled to live together in the same country; that our interests were identical, that were taxed alike, &c. I strove as far as I could to cultivate the kindly relation ich I believed to be so highly desirable. Notwithstanding that fact, there was a at deal of disturbance on different plantations, and a good deal of plundering; so ch so that even the agents of the Freedmen's Bureau had to interfere. I would rticularly mention a case which occurred on my own plantation, (I was planting rice the time,) when the negroes drove the overseer away, threatening his life, on account some orders he had given about the particular way the rice was to be cultivated. ey wanted to cultivate it in their own style. There was no violence at all on his rt. There were some fifty-odd negroes on this place, and their violence was so great hey threatened with hoes and implements of that sort, as well as guns) that the

Freedmen's Bureau agent had to interfere, and the commander of the troops there had to take soldiers out to quell this difficulty. That was about the state of things when I left the coast.

Those negroes upon the coast are very different from the negroes in Middle and Upper Georgia; they are almost an entirely different race of people. They are excessively ignorant. The intelligence of the negro in the middle and upper counties of Georgia is very much the same as the intelligence of the negro here or anywhere over the country. But in the southern portion of the State, where there is a large negro belt, as we call it, the negroes have absolutely a language of their own. If a negro from Washington were to talk with a negro from Atlanta, or the upper portion of Georgia, their language would be the same; they would use about the same words to express the same ideas. But it is not so on the coast. If a negro were transported from this city to the coast of Georgia, he would not understand at all a great deal that many of the negroes of that coast would say. Their old masters, who grew up with them, do understand their language; but it is a peculiar language. It is different from the language of the negroes in any other portion of our State, or any other portion of the South, except along the Atlantic belt.

Question. Is that class of negroes still there?

Answer. They are there now, and in very large numbers, upon the Sea Islands and upon the rice plantations.

Question. They are as ignorant, I presume, as they were at first?

Answer. Quite so. They have also a peculiar religion. I have attended what they call their religious meetings; and they have what they call "shouting." They say, "We are going to have a shouting to-night." If you staid outside when that shouting was going on, it would remind you very much of the accounts that we read of the worship of the howling dervises. They sing, shout, take hold of hands, and go round dancing and jumping until one faints; then he is considered as "having religion." That is the style of worship not only in that portion of Georgia, but it is now extending up the State. I had a large plantation in Dougherty County, Georgia, which I sold last fall. On that plantation three years ago there was no such religion as this known. The negroes belonged to various churches; mainly the Baptist and Methodist. Those were the most popular churches among the negroes of Georgia. But now this particular religion which they call "shouting," has been imported up there, and ingrafted upon their style of worship. It is extending higher up in the State, and is gradually getting possession of all the negroes there. To carry on these exercises, they will sit up all night long, and sometimes many nights in succession; so that it is a source of very great annoyance to the planter who depends on their labor for his crops. I do not want to say that it is a general thing in the State. It is a general thing on the coast, and is being introduced into the counties in Southwest Georgia, the cotton-growing counties of the State. Before I sold the plantation I have just spoken of, this style of worship had been inaugurated on that plantation.

Question. Do they think the Spirit strikes them when they fall down in that way?

Answer. They say they are "happy;" they are taken to one side, and the exercise is continued until another and another is exhausted and laid aside as "happy" men or women. That is their style of religion which they call "shouting."

Question. In other words, they are extremely ignorant and superstitious?

Answer. They are very ignorant. They are entirely different from the negroes from the middle section of the State upward. The latter are much more intelligent than those along the sea-coast.

Question. They are more in contact with the white people?

Answer. Yes, sir; the races are more equally divided. On the coast, where the planter staid in the winter time only, the negroes scarcely ever saw a white person; but in the upper part of the State, where I was raised, the negro children and the white children have been in the habit of playing together. My companions, when I was being raised, were the negro boys that my father owned. We played marbles, rode oxen, went fishing, and broke colts together; a part of my fun was to play with those colored boys. The negro girls—those who were raised about the house—were raised very much as the white family was raised. They were raised in the family, and, of course, the intelligence of the family was extended, in some measure, to the negroes. The plantations there were nothing like so large as those on the coast. The white people lived on their plantations all the year round. The negroes mingled with them, and grew up into a very different class of people from those on the coast.

Question. As to those negroes along the black belt, whom you have described as having their own peculiar language and religious superstitions, with what sort of intelligence do they seem to exercise the right of suffrage? How are they controlled and managed?

Answer. Well, sir, they had just begun voting when I left there; they were at that time, and are still, so far as my knowledge of the State extends—I know it is true of a large portion of the State—controlled almost entirely by the League organizations. The negroes were introduced very early into what they called the Union Leagues; and

they were controlled by those Leagues. They seemed to be under the impression that by voting they were to acquire some sort of property, and were influenced mainly by ideas of that sort, which had been instilled into them by these people who had gone there among them. I, however, know less about the particular influence brought to bear now, in that part of the State, with regard to voting, than in any other part, because I have been in that portion of the State less since they have been voting. When I left there they had just commenced voting. But they were then, as they are now generally throughout the State, under the control of men who have gone in our midst since the war—men who, I am sorry to say, are, as a general rule, without any character at home, so far as we have been able to learn; men who, as a rule, were not in the army; for I want to say very distinctly that our people have not entertained animosity and bitterness toward the troops, the men who were in the army; our feelings are directed toward these camp-followers and men who have come in our midst since the war—men without character and without intelligence, except a certain sort of shrewdness by which they have been enabled to impose themselves upon the negro and acquire gain, some of them very much gain, out of the pittances they were able to get out of the negro one way and another. Some of them have gotten into office from counties where they never were but once or twice during the whole canvass. In some cases they have gone into a county only a few days before the election; their names have been sent to the League, and their election has been fixed up in advance. I know of one or two members of the legislature who never resided at all in the counties from which they were sent, except a few days before the election. My own impression, from what I have seen in Georgia, is that the negroes, left free from this influence, would have been exceedingly peaceable. The very kindliest relations exist between the old masters and their former servants. I could give from my own personal knowledge instances of the very tenderest expressions of kindness and enthusiastic demonstrations of love on the part of the negroes for their old masters. In one case a body servant of mine came a long distance to see me; after having been captured by the Federal Army in Georgia, and staying with them for months, he came back to me just before the surrender, and told me he preferred to serve me rather than have his freedom, if he must be separated from me, though he wanted his freedom. His wife was my wife's chambermaid. She wanted to go with me to Brunswick. She had been raised by my wife, and had been raised very much as my wife was. I had paid an enormous price for her husband after my marriage, so as to have him with his wife. I had been offered twenty-five hundred dollars for him, which I had declined to take. I would not have sold him at all, any more than I would have sold my brother. These two negroes were anxious to go with us to Brunswick, but I had but little money and was unable to take them. On my return to that portion of Georgia two years afterward, I walked from my father's house a mile before breakfast to their little cabin to see them. When I got to the door, the woman was sitting at the breakfast-table. As I opened the door she was in the act of drinking coffee from a saucer. In her excitement at seeing me, she let the saucer fall upon the floor, sprang to me, gathered me in her arms, and sank at my feet crying "Massa John, I never knew who my friends were before."

I give that case simply as a sample of thousands within my knowledge. It illustrates the general feeling of the negroes after the war toward their old masters. But the state of feeling is very different now, though even now there is not a great deal of animosity. I can give you an incident which occurred very recently. As a delegate to an educational convention in Alabama, I was invited to make a speech. General Clanton made an address before me, advocating the education of the negro population at the hands of our people, by direct taxation, putting the whites and blacks in that respect upon the same footing. I followed General Clanton, indorsing the same idea. The convention, without a single dissenting vote, indorsed our ideas. We were afterward waited upon by a committee of colored people, who expressed their appreciation of our views. Our people would never have had any conflict of any sort with the negroes but for the introduction of this disturbing element—a class of men whose object seemed to be to stir up strife among the people, and to create animosity; and they did succeed to some extent in creating it; there is no question about that. They did win the colored race away from the white race in a very great measure. I believe that if you would relieve our State (I am now speaking particularly of Georgia) of these men who have come there since the war, who have no property or interest there, except what they can get out of the negroes, there would be the utmost cordiality between the two races in that State, and there would be no conflict. There could not be conflict, because the interests of the races are identical. Our people have no interest in driving these negroes out of the country. Their interest is directly the reverse. We want them there. We oppose their being carried away, even to Mississippi. We try to keep out men who would come there to hire them and take them where they say they will pay them more. In the Southern Cultivator, the leading agricultural journal of Georgia, you will find article after article, from the first planters of the State, opposing the introduction of white laborers from abroad, on the ground that the negro is the proper laborer for our

State; that we understand him and he understands us. One gentleman, whom I will mention particularly as contributing such articles, is considered the chief of the planters in Georgia—Mr. Dixon, of Hancock. Article after article appears from his pen, taking that ground; and there are numbers of people in Georgia who agree with him. I believe a very large portion do. We want to cultivate kindly relations with the negroes. It is our interest to do so; and besides, (though the thing may not be easily understood by some,) there is some heart in the matter on our part; there is no question about that. I can say for myself with great emphasis and great honesty, and appeal to my God as my witness, that I never entertained toward the negro race anything but the very kindliest feelings.

I will state a fact which I think will be borne out by every honest man in Georgia—that the negro to-day, before a jury of southern men in Georgia, has as fair a chance of justice as a white man, if not a better chance. I believe this as firmly as that I am sitting in this chair. I have known instances where negroes on trial for crime have escaped at the hands of white juries where white men would have been convicted. Our juries in such cases put their action on this ground: "We are afraid we will be misunderstood on this question. And besides that, allowance must be made for the peculiar circumstances of the negro, and the influences to which he has been exposed since the war." It is upon this ground that jurors in Georgia are inclined to favor negroes rather than otherwise. And I believe that to be a true sample of the feeling between the two races in that State.

Question. What do you know of any combinations in Georgia, known as Ku-Klux, or by any other name, who have been violating law?

Answer. I do not know anything about any Ku-Klux organization, as the papers talk about it. I have never heard of anything of that sort except in the papers and by general report; but I do know that an organization did exist in Georgia at one time. I know that in 1868—I think that was the time—I was approached and asked to attach myself to a secret organization in Georgia. I was approached by some of the very best citizens of the State—some of the most peaceable, law-abiding men, men of large property, who had large interests in the State. The object of this organization was explained to me at the time by these parties; and I want to say that I approved of it most heartily. I would approve again of a similar organization, under the same state of circumstances.

Question. Tell us all about what that organization was.

Answer. The organization was simply this—nothing more and nothing less: it was an organization, a brotherhood of the property-holders, the peaceable, law-abiding citizens of the State, for self-protection. The instinct of self-protection prompted that organization; the sense of insecurity and danger, particularly in those neighborhoods where the negro population largely predominated. The reasons which led to this organization were three or four. The first and main reason was the organization of the Union League, as they called it, about which we knew nothing more than this: that the negroes would desert the plantations, and go off at night in large numbers; and on being asked where they had been, would reply, sometimes, "We have been to the muster;" sometimes, "We have been to the lodge;" sometimes, "We have been to the meeting." These things were observed for a great length of time. We knew that the "carpet-baggers," as the people of Georgia called these men who came from a distance and had no interest at all with us; who were unknown to us entirely; who from all we could learn about them did not have any very exalted position at their homes—these men were organizing the colored people. We knew that beyond all question. We knew of certain instances where great crime had been committed; where overseers had been driven from plantations, and the negroes had asserted their right to hold the property for their own benefit. Apprehension took possession of the entire public mind of the State. Men were in many instances afraid to go away from their homes and leave their wives and children, for fear of outrage. Rapes were already being committed in the country. There was this general organization of the black race on the one hand, and an entire disorganization of the white race on the other hand. We were afraid to have a public organization; because we supposed it would be construed at once, by the authorities at Washington, as an organization antagonistic to the Government of the United States. It was therefore necessary, in order to protect our families from outrage and preserve our own lives, to have something that we could regard as a brotherhood—a combination of the best men of the country, to act purely in self-defense, to repel the attack in case we should be attacked by these people. That was the whole object of this organization. I never heard of any disguises connected with it; we had none, very certainly. This organization, I think, extended nearly all over the State. It was, as I say, an organization purely for self-defense. It had no more politics in it than the organization of the Masons. I never heard the idea of politics suggested in connection with it.

Question. Did it have any antagonism toward either the State or the Federal Government?

Answer. None on earth—not a particle. On the contrary, it was purely a peace police

organization, and I do know of some instances where it did prevent bloodshed on a large scale. I know of one case in Albany, Georgia, where, but for the instrumentality of this organization, there would have been, beyond all doubt, a conflict, growing out of a personal difficulty between a black man and a white man. The two races gathered on each side, but this organization quelled the trouble easily and restored peace, without any violence to anybody and without a particle of difficulty with either the black race or the white. They stopped one just as much as they did the other. This society was purely a police organization to keep the peace, to prevent disturbances in our State. That was the motive that actuated me in going into it, and that was the whole object of the organization, as explained to me by these persons who approached me. I approved of the object.

Question. You had no riding about at nights?

Answer. None on earth. I have no doubt that such things have occurred in Georgia. It is notoriously stated—I have no personal knowledge of anything of the kind, but I have reason to believe it—that disguised parties have committed outrages in Georgia; but we have discovered in some cases that these disguised parties did not belong to any particular party. We have demonstrated that beyond all question in some cases, by bringing to trial and conviction parties who belonged, for instance, to the radical party, who had in disguise committed outrages in the State. There is not a good man in Georgia who does not deplore that thing just as much as any radical deplores it. When I use the term "radical," I do not mean to reflect upon the republican party generally; but in our State a republican is a very different sort of a man from a republican generally in the Northern States. In our State republicanism means nothing in the world but creating disturbance, riot, and animosity, and filching and plundering. That is what it means in our State—nothing else; there is no politics in it. In the North the thing is very different. There men can differ in politics, and yet have the kindliest relations; in Georgia we cannot do it unless we are willing to countenance all sorts of outrages upon our people. There are genteel republicans in Georgia, who are just as safe as any one else; who travel all over the State; who occupy high positions, and are never insulted in the street, the cars, or anywhere else. If there is any organization in Georgia for the purpose of putting down republicanism there, why does it not attack the leaders of that party? It strikes me as the very highest commentary upon the law-abiding spirit of the people of Georgia that such men as I could name—men in high position who have plundered our people by the million—still live and are countenanced on the streets, have no insults offered to them. The truth is simply this: that individuals in Georgia of all parties and all colors have, I suppose, committed outrage; but such affairs have been purely personal, just as they are when they occur anywhere else in the United States. I do not believe any more crimes have been committed in Georgia than in any other community of the same number anywhere else in the country. That is my honest conviction. I do not believe that any crime has ever been committed by this organization of which I have spoken, and of which I was a member. I believe it was purely a peace police—a law-abiding concern. That was its whole object, and it never would have existed but for the apprehension in the minds of our people of a conflict in which we would have had no sympathy and no protection. We apprehended that the sympathy of the entire Government would be against us; and nothing in the world but the instinct of self-protection prompted that organization. We felt that we must at any cost protect ourselves, our homes, our wives and children from outrage. We would have preferred death rather than to have submitted to what we supposed was coming upon us. At this time I do not believe any such organization exists, or has existed for a long time. I have not heard of it for two years, I am certain.

Question. Why did it cease to exist; why did it pass away?

Answer. Well, sir, it just dissolved because the courts became generally established; and though the courts were in the hands of the opposite party, our people believed they were trying to do justice; that a general protection was extended over us. Our people thought we could get justice at the hands of these judges; though they were of the opposite party, and though negroes were on the juries, we were satisfied that in the existing condition of things we were safe. Since Governor Bullock's election I have not heard anything of that organization. I am not sure that it did not pass away with his election. It certainly has not existed since within my knowledge; and I think I would have known it if it had. I think that my position would have brought it to my knowledge, if any such organization had existed for several years past. As I have stated, the only reason it has passed away is, I think, because the people felt safe. Courts were established and police regulations were generally instituted.

You must remember that we were in a state of anarchy there for a long time. We had no law but drum-head courts-martial. Our people were entirely powerless to do anything. We always felt that if the Federal troops were kept in our midst we would be protected. I want to state that with great emphasis. Our people have always felt that if the white troops of the Federal Army could have been stationed in our midst in those negro belts we would have been safe. But the troops were perhaps two hundred

miles away; and before they could have been brought to our relief the whole neighborhood might have been slaughtered. We then believed that such a thing might occur on almost any night. Such was the condition of things in Georgia at that time. I do not believe that it exists now, or has existed for two years. To my certain knowledge this organization never did exist as a political organization. I do not know what may have been the case elsewhere; but very certainly there was no politics in this thing in Georgia, so far as I had anything to do with it; and I think that the organization was of the same character all over the State—probably over the South wherever it existed. We never called it Ku-Klux, and therefore I do not know anything about Ku-Klux.

Question. In this connection, while you are speaking of the courts and the juries, and their disposition to punish crime and do justice to black and white alike, give us any information you may have as to the organization of the courts, the political opinions of your judges, prosecuting attorneys, &c., their power over the juries, and in general, the character of your judicial administration.

Answer. The governor of the State is a republican—a Northern man. His power to make appointments extends down even to justices of the peace. He appoints all judges, solicitors, and justices of the peace, all the officers who administer justice in the State. I believe they are all appointees of the governor.

By Mr. BLAIR:

Question. How is it as to jury commissioners?

Answer. The jury commissioners are not appointed by the governor according to my recollection; but the juries are drawn indiscriminately in our State from black and white. A great majority of the judges in the State are republicans. I think that wherever a republican could be obtained, (it was sometimes very difficult,) a republican was appointed. While these judges were not such men as fully satisfied the citizens of Georgia; while they were not such men as they would like to have seen appointed; not such men as usually have held judicial positions in Georgia, yet the people were reconciled to them. And I think they are sustaining the courts, and have ever since their organization. I think that most of our judges, probably all of them would concur in this statement.

By Mr. BECK:

Question. Your juries are selected by officials who are generally republican?

Answer. Yes, sir; both our grand and petit juries. Our juries are drawn from both races.

Question. Wherever crime can be detected and such proof made as would authorize a fair court in convicting, you think conviction follows?

Answer. I think there is no doubt about it. I think the conviction of those whose guilt can be legally proved is just as certain in Georgia as in New York, Maryland, Pennsylvania, or anywhere else. I think this fact must be patent to every one who has at all observed the progress of things in Georgia. We have had a great many pardons. That is a matter about which I speak with some delicacy and in regard to which I do not care to be questioned; but no doubt it has produced a feeling of insecurity in the State; and I think it probable that some inexcusable crimes have been committed in consequence of the practice which has prevailed in this respect. In some cases, parties who have notoriously violated the law have been turned loose upon the community. Some things have been done that ought not to have been done. I do not know of any case where life has been taken. I do not know positively of anybody having been whipped, though I have no question it has been done. I think there were probably some whippings about Augusta. But the cases out of which they arose were very outrageous. One case was where a party had been convicted of adultery and turned loose directly afterward. Another case was where a party had been living in open adultery, and through the negligence of the State's attorney was set at liberty, and returned to the old habit. The moral sense of the community was outraged, and the parties were whipped. I do not know who whipped them. But there is no disposition in Georgia to break any law. The disposition is quite the reverse. There is a general feeling in favor of abiding by any sort of law, good or bad. That is the intention of our people—to obey even bad laws, until they can be rectified.

Question. Give us a bird's-eye view of the election law of Georgia; how the elections are managed and controlled; what parties have the power to count your ballots, &c., and speak particularly about the last election in Atlanta; its fairness or unfairness, as we have had before us a gentleman named Rockafellow, who has undertaken to give us some information on that point.

Answer. The election law of Georgia is a general law passed by the last legislature, under which our people felt so discouraged immediately after it was passed that the general feeling was not to attempt to do anything in the State at all. We believed it was passed with the intention of carrying the State for the republican party. For instance, one of the provisions of the law was that there should be no

challenging for any cause whatever. Our people believed that, as there were in the State a vast number of ignorant young negroes from sixteen to twenty-one years, who did not know their age at all, and who could be imposed on by those people who were trying to get them to vote through the Leagues, there was no sort of protection for the ballot-box in that direction. In the next place, a negro in many cases could not be identified. A mass of negroes in one place are in appearance very much like a mass of negroes elsewhere. For instance, if you were to meet a negro in the street, unless you had a personal acquaintance with him, you might not distinguish him from another negro whom you might meet at the next corner. It is well known that negroes are harder to identify than white men. The idea of not allowing challenges at the polls was very discouraging to our people. Many of them said, "It is no use to attempt to do anything at the election; we may just as well let the other party have it their own way; they will import negroes from other States, and from one county to another, during the three days of the election; and it is idle for us to attempt to do anything." Another provision of the law was that no one except an officer in charge of the election should go within thirty feet of the polls, except those who went to vote. Another provision was, that the governor should appoint for each voting place three commissioners, and that the ordinaries of the county, who were almost entirely republicans, should appoint two others; the result was that when democrats were nominated by the ordinaries, they were not confirmed by the senate. There were some exceptions to this rule; but for some cause or other the democratic nominees for commissioners did not appear upon the official list of commissioners for the State. Even if the ordinaries in every instance had nominated democrats, and the nominees had been confirmed by the senate, the republicans would still have had a majority of the commissioners; for the governor appointed three out of every five; but in many instances the officers named by the ordinaries were republicans; sometimes, as I have said, when they were democrats, they were not confirmed by the senate, but republicans would be put in their places. Under this state of circumstances, the apprehension in Georgia was, that if we should undertake to do anything at the election, we would simply waste our efforts, without being able to accomplish anything, and would only feel a sense of outrage in the end. Hence there was a general disposition in favor of letting the thing pass without effort.

Question. Was not the precinct system also broken up?

Answer. The precinct system was broken up. In a large majority of counties the votes were all to be polled at the court-house. There may have been a few exceptions in some of the counties, but in a large majority of the counties the voting was to be done at the county seat. Our people felt that that was very antagonistic to their interests, for the reason that it was very important that white men who lived remote from the county seat should be at home at the particular season when the election was to be held, as it was about the time of the Christmas holidays, and at such times there is a general disorganization of everything. About the end of the year there is a general breaking up and roaming of the negroes over the country. At that time there is no work being done; and it is a time when most of the white people feel that they cannot very well go away from home. In view of all these difficulties, the white people felt that it was hardly worth their while to attempt to do anything. That was the feeling immediately after the law was passed. There was, however, a reaction; and they determined to make an honest effort to try to keep outside of the limits prescribed around the polls, but to endeavor to prevent by argument, solicitation, and protest with the republican leaders in the particular counties any gross violation of the general law of the State, to prevent in that way any man from voting who was not twenty-one years of age, or who was not a citizen of the State or a citizen of the county in which he offered to vote. In Atlanta, where I was, the contest during the first day of the election did not wax warm at all. The whites felt discouraged, and they remained away from the polls almost entirely. In Atlanta the first day was given up pretty much to the blacks. The second day the whites began to go the polls; and I think they were mainly carried there by the information that was disseminated all over the town, that Foster Blodgett, who had charge at that time of the State road, and whose son was a candidate for the legislature in that county, contrary, as the people thought, to all law, (for he was not a citizen of the county, as we thought and still think,) was bringing in train-loads of negroes from other counties to vote in Atlanta. A number of the negroes were arrested, as the law provided might be done. The law provided that arrests might be made after the voting had been done. It made illegal voting a penitentiary offense; but it did not provide proper means for preventing the vote being cast, nor did it take the illegal vote out of the count. A man might cast an illegal vote, but could afterward be made to suffer for it. Fifty or sixty of these negroes from different counties were arrested in Atlanta, but it did no good. Then the whites began to crowd to the polls, and the contest was for the balance of the time who should get to the polls. On the first day, I think, there was some little conflict somewhere in the city—very slight, and not at the polls nor about the election, I think. It was a contest between some few whites and some few blacks—a difficulty which the police stopped without any trouble. There

was no sort of difficulty between the two races at the polls; I do not think there was even a fisticuff contest, or even a harsh word between the two races. I do not believe that such an election, with such a jam of people as there was at the polls there, could have been conducted in any city of the North without bloodshed. There was not a solitary fight between the whites and the blacks, though there was a fight between several whites. There was no sort of intimidation, so far as I was able to discover practiced toward the black people. There was, as I say, a push and a rush to get at the polls; in that way there was a contest, but there was no violence used; it was simply a jamming in of men anxious to get to the polls. I think it very likely that a great many negroes and a great many whites did not get to vote. I know of whites who did not vote on account of the difficulty of getting to the polls. With a voting population of more than four thousand, it was impossible for everybody to get to vote under such circumstances.

Question. You think your voting population is between four and five thousand?

Answer. Yes, sir; it is above four thousand; I think it approaches five thousand.

Question. What proportion do the blacks bear to the whites in the county of Fulton?

Answer. The whites have a considerable majority. I suppose the white population must have a majority of four or five hundred in the county.

Question. How many white republicans do you suppose there are in the city and county?

Answer. There are none there of any consequence, except those connected with the State government and the State road. The employés on the State road were republicans before it passed into the hands of the lessees, and a good many of them have been retained. I give simply my opinion; but I do not suppose that in the whole county there are more than from fifty to seventy-five white republicans. There may possibly be one hundred, but I do not think there are.

Question. And you think there is a democratic majority in the county of some four hundred?

Answer. We were entitled to the county, and could have carried it without difficulty if every negro and every white republican had voted against us.

Question. The majority given by the county for local candidates was only two hundred and fifty?

Answer. Yes, sir; two hundred odd; and there were beyond question great numbers of illegal votes polled by negroes from other counties. A large number of negroes were arrested; but after a while the white people quit arresting, and determined to crowd to the polls and try to get their votes in.

Question. Were many of the men arrested there citizens, beyond all question, of other counties?

Answer. O, yes, sir; there is no question at all about that.

Question. The election there was, you think, as fair as it could be with such a crowd of voters?

Answer. Yes, sir. I believe Mr. Simon Cameron said that it was as fair as any election he had ever seen in Pennsylvania. He was in Atlanta at the time, and some of the democrats went around to the Kimball House and carried him up to the polls to see the election going on. He laughed at the scramble, but said he thought it was just about like elections were conducted in Philadelphia. That was his reply to these gentlemen who wanted him to see for himself how the thing was conducted, and what amount of violence there was. There was no violence at all. If there was a drop of blood shed in the whole city during that election I do not know it, unless it was by the police knocking somebody down before the election came on.

Question. You have spoken of your State road. In that connection I would like you to state how far the official management of your State government and its finances has been the cause of dissatisfaction among the people, and what are the facts in regard to that matter.

Answer. Well, as I said a while ago, I was the candidate opposed to the present incumbent for the office of governor; and I do not want to speak very much about him. I will simply mention the general fact, demonstrated by the treasurer of the State, that a large number of bonds have been imposed upon our people without any authority of law, as we believe, or rather in direct conflict with the statute, which provides (I have seen the provision myself, and it is very easy to refer to it) that every bond of the State shall receive the signature of the State treasurer, and be recorded by him. The bonds of which I speak were not recorded, and did not receive the signature of the treasurer. His signature was lithographed upon them. That fact of itself created a very great degree of dissatisfaction in our State, and a great deal of bitterness toward the particular party responsible for it. But the point that was more potent than any other, and about which I can speak without any sort of indelicacy, was the management of the State road under the governor's appointees. When the road passed out of the hands of Mr. Wallace, the former superintendent, it was, according to my recollection, generally paying into the treasury from $25,000 to $40,000 per month.

ion. That road, I believe, was the great reliance of the State to keep up its
?

er. Yes, sir. I was coming to that. The income from this road before the war
eved our people from tax entirely, or very nearly so. My recollection is that we
State tax for the support of the government of Georgia at all; that the State
pported the government. It was on that ground that the citizens would never
h it. It is a grand trunk line, a most important railroad route, and ought to
nd all question the best paying road in the State, if not in the South. It ex-
om Atlanta to Chattanooga. At Chattanooga it connects with the Memphis
arleston road, extending to Memphis, Tennessee; the Nashville and Chatta-
ailroad, extending to Nashville, and connecting with Louisville and Cincinnati;
t Tennessee and Georgia Railroad, extending to Knoxville, and connecting with
and the North generally; and there are one or two other branches that con-
th it. At Atlanta this State road feeds the main Georgia road leading from At-
Augusta, and to the sea-coast, Charleston, around to North Carolina, and so
Atlanta also it connects, via Macon, with a road leading to Savannah and the
nd down to Southwest Georgia and the great cotton belt of our State, to Co-
Georgia, and over into Southeast Alabama. It connects, on the other hand, with
l leading from Atlanta to West Point, Georgia, and on to Montgomery, Missis-
c. This road is the grand trunk connecting these various lines, none of these
aving any other feeder. It carries everything that goes over any of those roads
Georgia to the sea-coast, or from the sea-coast, through upper Georgia, toward
t. As to the Tennessee roads I am not able to speak; but in some of the Georgia
am interested, and I can speak of them. The West Point road has paid a divi-
gularly of 8 per cent.

ion. Has it not reëquipped itself and done that?

er. Yes, sir; a large portion of it was destroyed by General Sherman, and the
s had to be reëquipped.

By Mr. BUCKLEY:

ion. You mean the road from Atlanta to West Point?

er. Yes, sir. The West Point road we call it, extending from Atlanta to West
nd communicating with Montgomery and Meridian, Mississippi, &c. It has
ped itself, and has paid regularly, I believe, 4 per cent. semi-annually. The
road has done the same thing. The superintendent told me it had earned 10
t., and had a large surplus besides the dividend which had been regularly
l. That road was almost entirely destroyed. The Macon and Western road
reased its stock very largely, and its dividends have been enormous, certainly
han 12 per cent. I think on the original stock of the company the dividend
n more than 20 per cent. That is my impression; I do not state it as a positive
But the dividends have been large on all of these roads. On the Central road,
ng from Macon to Savannah, the dividends have been so large that the stock
ly above par. The stock of all these roads is at par or above par; the stock of
believe, is under par.

By Mr. BLAIR:

ion. Every one of these roads was broken up during the war?

er. All of them except the Macon and Western road, which was broken up to
tent. The others were broken up very badly; torn all to pieces; destroyed al-
tirely.

ion. From one end to the other?

er. Yes, sir. The State road, which feeds these roads, was, when the republican
ook possession of it, paying into the treasury handsomely, and equipping itself
observed when riding over it, as I was going to New York, just before that party
to power, that it was the best road I saw between Atlanta and the Pennsyl-
Central; decidedly the best. It was in magnificent order and finely equipped.
rebuilt itself, besides paying money into the treasury. It was in that condition
he republican party took possession of it. When it was leased, in January last,
ailed all the time to pay any money into the treasury, with the exception of a
riod. Besides that, the road was utterly worn down; it was probably the worst
ad in our State; one of the worst in the South. The engines were worn; the track
ost impassable—dangerous to ride over. It had carried during the administra-
that party more freight, I believe, than had ever been carried over it in the same
ring any other period of its existence. The gross receipts of the road had been
the expenditures had been very much less, because the road had not been kept
d not been resupplied with engines, cars, &c., as had been usual previously, at
some extent. The party that had managed this road had absorbed its entire
, (which properly belonged to the State,) with the exception of a very small sum
hen they first went into power, and had left upon it a debt of more than half a
of dollars—I think three-quarters of a million. I do not know that it is yet

known what the extent of that indebtedness is. I have been out of the State mainly for the last three or four months, but I think that some time ago the accounts of debts already in amounted to half a million of dollars. So that several millions of dollars must beyond all question have gone into the pockets of these people.

By Mr. BECK:

Question. Who are "these people?"

Answer. I mean the republican government of Georgia. I do not know whether the governor got any of it. I do not accuse him of that; but the managers of the road got this money, and did something with it.

Question. Who are the managers?

Answer. Foster Blodgett was the superintendent. His son was a conductor upon the road. Harris, who organized the legislature of Georgia, was master of transportation; and I believe he held some other office—I forget what they called it—superintendent of the track, or something of that kind. Foster Blodgett's son has bought and is buying a considerable amount of property in Georgia. If he had any property when he came there, nobody knew it. It is perfectly patent to every man in the State that in the management of this road millions of dollars have been taken from the State, because millions of dollars have gone into the treasury of the State road with the very smallest sums expended. Besides, there is this immense indebtedness resting upon the road.

Question. A man by the name of Kimball seems to have sprung up into importance in your State. Who is he; and how has he been managing?

Answer. Kimball came to Georgia from the West, just after having gone through bankruptcy, as was generally reported and believed in Georgia.

Question. How long ago?

Answer. He came there I think about the time of the last governor's election. I will not be precise upon that point; it was about that time; it may have been a few months previous or directly afterwards. It was probably during the election or a little previous.

Question. Was he not a New York man?

Answer. I think he was originally from New York; but he came to our State from some of the Western States, according to my understanding; I think from Iowa or Minnesota or somewhere out there. The general impression and public rumor was that he had just gone through bankruptcy. Of course I have no means of knowing that to be the fact; but it was the general rumor all over our country. At the time he came into our State there was being built in the heart of Atlanta, by a joint stock company, a building called the Opera House. The company had failed to complete it. They had not broken up, but they had exhausted their money; and the stockholders were not paying in any more; the work was stopped. Mr. Kimball bid it off at public outcry for, I think, $30,000. That is my recollection. He immediately went to work upon it and finished it. Public rumor says, and I believe the treasurer so states the fact, that he borrowed a considerable amount of money from the governor to finish it. It was finished and sold to the State, by legislative enactment, for $400,000. That is my recollection of the amount, though I will not state it positively. The impression is that the building did not cost more than half what the legislature paid for it, and that the money of the State did a great deal to build it. Since then Mr. Kimball has built a magnificent hotel—the Kimball House—which must have cost from $300,000 to $500,000. That, however, is under mortgage to northern parties for a considerable amount of money. These things have created a great deal of talk in our State. As Mr. Kimball was one of this party that were intimate with the governor, and as the governor had furnished money to finish that house, and as Mr. Foster Blodgett and he were connected all through in one way or another, the general opinion in Georgia is that the money of the State road built a part of that house, and a great deal of it. That is the general feeling; I do not give my opinion upon that subject; I give you the general feeling in Georgia upon the question.

Question. Mr. Kimball is one of the lessees of the road?

Answer. Yes, sir.

Question. And principal manager of another road—the Albany and Brunswick railroad?

Answer. Yes, sir. He is president of three or four roads in Georgia, now. He is, I think, the largest stockholder in the Albany and Brunswick road.

Question. Without asking your own opinion upon the question I will inquire whether it is not the general belief of the people of Georgia that the governor is interested in pretty much all these schemes?

Answer. Well, sir, there is a belief of that sort.

Question. In other words, great discontent has grown up in your State out of what is believed by the people to be the general plundering of the State by the government?

Answer. Yes, sir, I think that is the prime source of dissatisfaction now in our State. I think it absorbs more of the thoughts of the people and annoys them more than any-

thing else. This magnificent piece of property, the State road, which they had built, and which had been to them a source of so much pride, has been almost plucked out of their hands. Hence a very large number of the citizens of Georgia are quite reconciled to the present lease of the road, though it pays only $25,000 a month. They are very glad that the State should get that. In this view, a great many of our people are quite satisfied with that lease. They think it is better to get that than to get nothing, as they would, if the recent method of management on the road had been continued. Under that management, as they believed, the road would have been utterly destroyed.

Question. Has your legislature been making large grants and donations in aid of railroads?

Answer. Yes, sir. Nearly every road that has been chartered in our State has received State aid, as they call it, by the State indorsing the bonds of the road, to the amount of from $12,000 to $16,000 per mile.

Question. Was this done by a republican legislature?

Answer. Yes, sir; the legislature that did this was largely republican. We have had no legislature since that one.

Question. All the legislation which has been enacted within the last two or three years, in Georgia, has been enacted by a republican legislature?

Answer. Entirely so.

Question. Was it not a legislature made republican, not by the people, but by the interference of the Federal Government?

Answer. It was a legislature elected partly by the people. It would have been democratic, but for the interference of General Terry and the military authorities of the State, under the last "*re*-reconstruction" act, as we call it in Georgia.

Question. That re-reconstruction converted a democratic legislature into a republican legislature?

Answer. Yes, sir. We had elected a majority of democrats; but a large number of them were tried by military commission, and turned out, mainly on the ground that they were not eligible under the fourteenth amendment of the Constitution. Some of them were eligible under that amendment and were turned out wrongfully.

Question. Were they tried in any court?

Answer. No, sir; they were tried by the military, under the orders of General Terry.

Question. Were those military officers clothed with any judicial authority, under the Constitution of the United States?

Answer. None at all.

Question. Members duly elected were turned out, and minority men, who had been defeated at the polls, were put in, by order of those military authorities?

Answer. Yes, sir; and the most obnoxious thing we had, during the whole progress of this reorganization of the legislature, was the bringing in of that man Harris.

Question. Who was he?

Answer. He was utterly unknown to our people, except that he was what we called a "carpet-bagger." He was a man who had come to our State after the war, with no interest there. He belonged to this party connected with the State road. He was one of the officials of that road, not a member of the legislature at all. This man, who had no official connection whatever with the government of the State of Georgia, was brought in there, and put over the house of representatives; he took the chair and refused to allow men to be sworn in whom he suspected to be ineligible—men who were willing to take the oath and risk the consequences. He said, "You shall not be sworn in, until you go before the military commission." The law of Congress, it will be remembered, provided that any man who presented himself might be sworn in, but that he might be tried afterward for perjury, if anybody saw fit to prosecute him. There were numbers of democrats who were willing to take the oath that they were eligible, and risk a trial; in other words, they were willing to swear that they had not taken an oath to support the Constitution of the United States and afterward participated in the rebellion. They were denied the opportunity by this man Harris.

Question. These men were willing to risk even a military trial on that question?

Answer. They were willing to risk any sort of a trial on it; but they were denied by Harris the privilege of taking the oath. Though he was utterly without lawful authority, he usurped the most unprecedented power. Without any authority from the house, he would adjourn it when he chose. He would declare the house adjourned from one hour to another, to suit his convenience. There was never a more arbitrary and outrageous procedure than the conduct of this man Harris.

Question. Who put him there?

Answer. General Terry, I believe; I am not positive now about that; he was put there either by General Terry or by the governor.

Question. Is it not a fact that through the manipulations of Terry and Bullock, one or both, by means of this man Harris and others, a legislature which as elected was democratic, was converted into a republican legislature?

Answer. Yes, sir.

Question. And this legislature, created in that way, has taxed your people in every conceivable form?

Answer. Yes, sir.

Question. Do you know what the debt of the State is now?

Answer. No, sir; nobody knows what it is. We know that it has probably been trebled by our present State administration.

Mr. BLAIR. If I were in the place of the people of Georgia, I would let those who made the debt pay it.

Answer. I am very willing to say here and elsewhere that the feeling of the people of Georgia is very distinctly this: that but for the odium and possible damage which would be brought upon the credit of the State, not one dollar of those bonds would be paid; there is no sort of question about that; but the people, I think, will pay the debt rather than damage the credit of the State. I know that the general feeling at the North is that our people are hostile toward the Government of the United States. Upon that point I wish to testify, and hence I have introduced it; I want to state what I know upon that subject. Commanding as I did, Jackson's corps of the confederate army, for some time before the surrender, and at the time of the surrender one wing of that army, I know very well that if the programme which our people saw set on foot at Appomattox Court-House had been carried out—if our people had been met in the spirit which we believe existed there among the officers and soldiers, from General Grant down—we would have had no disturbance in the South, and we would long since have had a very different state of things in this country. I believe that as firmly as I believe in my own existence. I know it was generally felt that there was shown toward the officers and men who surrendered at Appomattox Court-House a degree of courtesy and even deference which was surprising and gratifying, and which produced at the time a very fine effect. I want to say, moreover, that the alienation of our people from the Government—an alienation which, resulting from the war, continued to some extent immediately after the war—has been increased since that time, by the course which our people believe has been wrongfully pursued toward them. Whether right or wrong, it is the impression of the southern mind—it is the conviction of my own mind, in which I am perfectly sincere and honest—that we have not been met in the proper spirit. We, in Georgia, do not believe that we have been allowed proper credit for our honesty of purpose. We believe that if our people had been trusted, as we thought we ought to have been trusted—if we had been treated in the spirit which, as we thought, was manifested on the Federal side at Appomattox Court-House—a spirit which implied that there had been a conflict of theories, an honest difference of opinion as to our rights under the General Government—a difference upon which the South had adopted one construction, and the North another, both parties having vindicated their sincerity upon the field in a contest, which, now that it had been fought out, was to be forgotten—if this had been the spirit in which we had been treated, the alienation would have been cured. There is no question about that.

But to say to our people, "You are unworthy to vote; you cannot hold office; we are unwilling to trust you; you are not honest men; your former slaves are better fitted to administer the laws than you are"—this sort of dealing with us has emphatically alienated our people. The burning of Atlanta and all the devastation through Georgia never created a tithe of the animosity that has been created by this sort of treatment of our people. Not that we wanted offices; that is not the point at all, though our people feel that it is an outrage to say that the best men in our midst shall not hold office. The feeling is that you have denied that we are worthy of trust; that we are men of honor; that we will abide by our plighted faith. We feel a sense of wrong as honorable men. We do not think we have done anything in the dark. We think that when we tried to go out, we did it boldly, fairly and squarely, staking our lives upon the issue. We thought we were right. I am one who thought so at the time; I thought I had a perfect right to do as I did. I am not going into that question except to say that our people were conscientious in what they did. They were conscientious when they took the obligation at Appomattox and elsewhere at the time of surrender. They felt that as honest men they ought to be trusted, and that there ought to have been an end of the thing. We had fought the contest out; we had been defeated; and we thought that ought to be the last of it. That was the way we felt at the South. By the course that has been pursued toward us since the surrender we have been disappointed, and the feeling of alienation among our people has in this way been increased more than by any other one fact. In addition to that we in Georgia think that some of the most grievous outrages have been inflicted upon our people by the military authorities sustained by the Government.

By Mr. BECK:

Question. Has not the fact to which you have referred, that men like Bullock, Harris, and others whom you denominate "political carpet-baggers" should have come among you and plundered your people for their own private profit, the government getting no benefit from their exactions—has not this fact added very much to the state of feeling?

Answer. Immensely. I am satisfied that our people would have been better reconciled to all this plundering if it had gone to relieving them from general taxation; if the government had got the benefit of it, it would have been a much less serious matter; but these people have plundered us without doing us any good. In Georgia the remark is often made that Kimball is a clever fellow, because whatever money he has made he has kept among us. The same feeling would exist toward these other fellows who have gotten our money, if we had obtained any benefit in any way, either by the general reduction of the taxes of the government, or by the building up of the State. But as a general thing these people have gotten the money, and have used it for their own private ends. It is this sort of plundering, committed by public officers to fill their own pockets, that has so incensed our people. Such things are very hard to bear; and I think we have behaved very handsomely under the circumstances; I think we have behaved as scarcely any other people on earth would behave in the same situation. We have not killed anybody hardly; some fellows have been killed—I do not know who killed them; I know that the organization of which I spoke had nothing to do with it; I know that some of them were killed by their own party, quite as many, I think, as were killed by our party. Some of their party have been convicted. None of our party have been convicted, though they have been tried by military commissions, where certainly there ought to have been a fair chance so far as the Government was concerned. Men of the radical party have been convicted by radical courts, for taking the lives of radicals; so that there is no question about their guilt.

Question. The killing of Ashburn has been alluded to once or twice by witnesses before the committee. State what you know about the circumstances of that case.

Answer. I do not know anything about the killing of Ashburn, except that he was killed by parties in Columbus, and that the general feeling in Columbus is that he was killed by members of his own party, in which there was a division at that time. This I give simply as public rumor; the public rumor is that there had been a split in his party, among some negroes and others; that there was a great deal of bitterness between the two factions; and the general belief was that Ashburn's life was taken by members of his own party. Certain young men were arrested in Columbus for the murder.

Question. Who were they?

Answer. Well, there was young Grimes—a son of Dr. Grimes; there was Dr. Kirksey; there was also a young man named Chipley, whose father lives in Kentucky; and a young man by the name of Dawson.

Question. They were respectable young men?

Answer. There were no better families in our State. Those arrested were among the very best young men in the city of Columbus. Some, whom I had known myself all their lives, were perfectly quiet and inoffensive; they were boys. Young Grimes is a sort of family connection of my wife's, and I had reason to know him. He is more like a girl than a man, and the same may be said of one of the other young men. Those two I happened to know very intimately, having known them pretty much all their lives. The others are young men of first-rate reputation—none better in our State. They were arrested in Columbus, by the military, without any charges at all.

Question. How were they treated?

Answer. They were carried to Atlanta under guard. There was a plank inclosure built for them as a prison. This house was only a single thickness of planks; it was out in the open field, under the sun, where there was no shade. Cells were laid off which, from what I can learn, were certainly not over six feet by eight. Dr. Kirksey, who is a large man, told me himself, after he was released, that in lying on his back in his cell his shoulders touched on each side of the cell. I believe that he is a truthful man; I know that is his reputation, and I believe he told me the truth. My wife went there once or twice, at first, with a great many other ladies residing in the town, to carry the prisoners some delicacies; for a long time the prisoners were denied the privilege of receiving anything of that sort sent by the citizens; finally that rigidity was relaxed, and they were allowed to receive articles of food and delicacies. On one occasion when my wife went to visit the prisoners her nerves were so much shocked by what she saw of the treatment of those young men that it made her sick, and I had to forbid her going there any more; she was obliged to come away leaning on the arm of a Federal officer. She came near fainting by merely looking at the spectacle; she told me that those young men, when she saw them, were panting for breath; they made the guards throw buckets of water on them to keep them from suffocating in those cells.

Question. It was hot weather at that time?

Answer. Excessively hot; it was during the very hottest portion of the summer and one of the hottest seasons we ever had.

Question. It was in June, 1868, I believe?

Answer. Yes, sir. Those young men were so debilitated when released from their confinement that some of them were unable to walk without support, though they were

vigorous when put in there. They came very near losing their lives; the doctors thought that one or two of them would die afterward. They were finally tried by a military commission. They were taken out once at the earnest solicitation of some friends; I do not know whom. We made every effort in the world to have them released. We offered to give bail for them to any amount that could be named. The citizens of Atlanta would have pledged the entire property of the city, if necessary, to bail them out. But bail was refused. Finally they were let out into the barracks, where there were better quarters furnished for them. They remained out a short time, when a detective, or perhaps more than one, was sent to Atlanta, and then they were put back into the cells a second time. The detective or detectives made every effort in various ways to draw something out of them in the form of a confession, but failed to do so. The young men were finally tried by a military commission and acquitted. One party professed to turn State's evidence against them. He professed to have been in the crowd that killed Ashburn; but his evidence was utterly broken down by his stating a fact that was a physical impossibility. He stated that he was present on the occasion of this killing. He was asked whether he was as positive about that as he was about the balance of his testimony. He said he was. They then proved that from where he was the day before, it would have been perfectly impossible for him to have reached the scene of the occurrence at the time of the killing. That was the turning point in the evidence. The prosecution failed to establish any case at all, and the prisoners were discharged. It certainly was not an unfair trial so far as the Government was concerned, because the trial was conducted by a military commission, and all the advantage was on the side of the Government.

Question. Were not the witnesses subjected to a great deal of torture in order to extort evidence against the prisoners?

Answer. O, yes, sir. A negro who was arrested in Savannah was, it was publicly stated, (it has never been contradicted, and I have no doubt at all about the truth of the statement,) put into a sweat-box at Fort Pulaski, was taken out morning after morning and placed in front of a cannon and told that his head would be blown off in five minutes if he did not tell what he knew about the matter. His invariable reply was, "Massa, I don't know anything about it." That process was repeated with him morning after morning. This was the public statement of the newspapers at the time, and it never was contradicted. Of course I was not present, and I only give what was the general rumor.

Question. This was done under General Meade?

Answer. Yes, sir.

Question. That was the military style of confining prisoners and getting evidence?

Answer. Yes, sir. The young men were arrested without any charges being preferred. They did not know for a great while what they were in custody for. They had no idea what was the charge, except from general rumor.

Question. Georgia has had to undergo a great deal of reconstruction and re-reconstruction—civil, military, pecuniary, and otherwise?

Answer. Yes, sir.

As an illustration of the feeling between the two races in Georgia, I will say that the negroes there now can build a church or a school-house anywhere in the State by subscriptions from the whites. I will guarantee that they can now raise more money among our people, poor as they are, to build a church than they could raise anywhere in the North, among the same number of people with the same amount of means.

By Mr. BLAIR:

Question. What class of the citizens of Georgia are affected by the disabilities imposed by the fourteenth amendment?

Answer. The very best men in our State. It is very hard to find a first-class man who is not affected by them. There are some few (I include myself among the good people of Georgia) who are not affected by those disabilities. I never held an office before the war, and I believe General Wright never did. But I believe that we are among the very few. There are very few men in the State, who have any sort of prominence, who were not affected by the fourteenth amendment, imposing disabilities. I never was a candidate for any office in my life, until the last election.

Question. Does not the disability provision exclude from office the great mass of the intelligence of the State?

Answer. It embraces all the leading, educated gentlemen of our State. A very large majority of the intellect of Georgia is disfranchised.

Question. Is it, or is it not, a matter of complaint and discontent to the entire people of the State, that they should thus be deprived of the services of their best men?

Answer. O, yes, sir. They feel it to be a very great wrong. It comes very nearly home to us in our State legislation. We want our good men in the legislature, and we cannot get them there. Our legislatures are notoriously weak on account of the disfranchisement of our best men. Our legislators are probably as good as the young

men of any country could be; but their youth and inexperience deprives them of that efficiency which older and more experienced men would have. The fact that we cannot put our good men in the legislature, creates a vast deal of dissatisfaction. The disfranchisement of our best and most intelligent citizens is one of the prime sources of dissatisfaction in our State. As I said a while ago, the feeling of alienation toward the Government has been vastly increased by this disfranchisement. We feel that it is a great wrong upon us, not only in the light in which I spoke of it a while ago, but in depriving the State of the services of those men in making and administering the laws.

Question. In your representation in Congress, as well as in the State government, it deprives you of the services of your ablest men?

Answer. Certainly.

Question. Do you think that the effect of general amnesty would be salutary?

Answer. I am satisfied it would have a very quieting effect upon the people; it would go a great ways toward stopping the complaints against the Government.

Question. And the hard feeling?

Answer. And the hard feeling and bitterness. It would go a great ways in that direction.

By the the CHAIRMAN, (Mr. POOL:)

Question. Did I understand you to say that you were in favor of secession in 1861?

Answer. Yes, sir, I advocated secession then.

Question. I did not understand distinctly what you stated in regard to your connection with the confederate army. What was your position in that army?

Answer. I began as a captain. Before the surrender, I commanded Jackson's corps, the second corps of the army; and at the surrender, I commanded one wing of the army.

Question. You were the democratic candidate for governor at the last election against Governor Bullock?

Answer. Yes, sir.

Question. Speaking about the coast region of Georgia, you spoke of the colored troops having been removed from there; at what time were they removed?

Answer. My recollection is that it was in 1866; but I am not very positive as to the date.

Question. White troops were sent in place of the negro troops?

Answer. Yes, sir, white troops were sent at once by General Grant's order.

Question. Did the condition of things improve?

Answer. Yes, sir, very much. It was a great relief.

Question. You spoke of the peculiar language spoken by the ignorant negroes on the coast. What is the cause of that peculiarity?

Answer. I think their present dialect is a relic of the African speech. It is very peculiar. It is not found in every negro on the coast, but it belongs to a large majority of the rice-plantation and Sea-Island negroes. The bulk of them have this peculiar style of talking. If you were to hear it you might understand some words, but many you would not.

Question. Is the difference in the manner of pronouncing the words, or in the words themselves?

Answer. It is in the words themselves, and also in the manner of pronouncing them.

Question. Why is it that the peculiarity exists there more than in other parts of the State?

Answer. Simply because, in other parts of the State the negroes have come much more in contact with the whites, and have in that way been taught. These negroes on the coast have very rarely come in contact with the whites.

Question. I think you said that the proportion of negroes to the white people in that locality was as ten to one?

Answer. Yes, sir; that is my impression.

Question. You spoke of the forbearance of the whites during the occupancy of that locality by the colored troops; what did you mean?

Answer. I meant forbearance under the outrages and insolence of the negroes—the insults which were offered to our people on the streets. The spirit exhibited by the black troops extended itself to the other negroes. There was, at that time, a determination in Georgia not to allow any conflict between the races.

Question. You mean there was such forbearance as to prevent difficulties between man and man?

Answer. Yes, sir.

Question. Do you know whether the Union Leagues have been disbanded since 1868?

Answer. No, sir, I do not. I know that at the last election the negroes were marched up to the polls in long files like soldiers; in some localities, not in every county.

Question. You have not heard of any Union Leagues assembling there within the last two or three years?

Answer. I do not think I have; I am not informed at all upon the question of the existence of those Leagues; but I have not heard anything of that kind. There has been no public talk about it one way or the other, either about disbanding them or continuing them.

Question. You spoke of the relations between the negroes and their former masters. Is there not a class of whites who were non-slaveholders—I mean white people of rather low order—who feel a great deal of animosity towards the negroes because the negroes have been raised to something of a level with themselves?

Answer. Well, sir, I do not think they recognize the fact that the negroes are raised on a level with them.

Question. I mean approaching it or tending in that direction?

Answer. I think I can answer so as to give an idea of what is the state of things. I think there is more of that feeling of antagonism toward the negro among the laboring class of whites than there is among the better class.

Question. You mean than there is among the old slaveholders?

Answer. Yes, sir, and property holders.

Question. Is there not an antagonism toward the colored people on the part of those whites who were not slaveholders and do not own much property?

Answer. I do not think that you would discover any more antagonism between those two classes than you would find among competing laborers anywhere. I have been upon the great plantations there where white and black laborers are employed together. I have had white and black domestics at the same time in my own house.

Question. Do you apprehend any danger of collision or trouble between the races being produced by that class of men?

Answer. O, no. We have no sort of apprehension in Georgia as to any collision between the races. I think the time for apprehending anything of that sort has passed. Everything there now is as quiet and peaceable as it is anywhere in the world. I believe there could scarcely have been held, in any other State of the Union, such an election as we had the last time—an election with so little turbulence and disturbance, when there was so much real or imaginary cause for excitement among the people. Nor has there been any disorder of any account since. We are perfectly quiet in Georgia. I have never seen the State more peaceable in my life than it is now, and has been for a long time.

Question. Have the negroes, as a general thing, behaved well since the war?

Answer. They have behaved so well that the remark is not uncommon in Georgia, that no race on earth, relieved from servitude under such circumstances as they were, would have behaved so well.

Question. How did they behave during the war, when the white men went off to fight and left them at home?

Answer. Well, sir, I had occasion to refer just now to a little speech which I made at Montgomery, Alabama, when General Clanton also spoke. He and I both struck on that train of thought. I went so far as to say that the citizens of the South owed it to the negroes to educate them. One of the things which I mentioned, and which General Clanton also mentioned, was the behavior of the negroes during the war; the fact that when almost the entire white male population, old enough to bear arms, was in the army, and large plantations were left to be managed by the women and children, not a single insurrection had occurred, not a life had been taken; and that, too, when the Federal armies were marching through the country with freedom, as was understood, upon their banners.

Question. Scarcely an outrage occurred on the part of the negroes, at that time?

Answer. Scarcely an outrage. When I made that speech at Montgomery, I may say, without intending to compliment myself, that, when I referred to the handsome behavior of the negro during our absence in the army, and his protection of our families at that time, my remarks were heartily responded to, and with a great deal of feeling by every man in the convention.

Question. Do you mean that the colored men responded to them?

Answer. No, sir. I mean the white men in that convention.

Question. Were colored men present?

Answer. Yes, sir. They came afterward and thanked me for what I had said. There is that same feeling, I am satisfied, among our entire people. If you could get at the heart of every man in Georgia you would find that he appreciates that fact very heartily.

Question. Those negroes were almost all of them pretty well aware that the contest was to decide whether they should be freemen or slaves?

Answer. O, yes, sir. I told my slaves of it at the beginning of the war. I think the negroes generally understood that if the South should be whipped freedom would be the result. I notified my slaves of it early in the war. I think it was in 1863.

Question. This White Brotherhood Association, of which you spoke, was founded upon the apprehension that there would be a change in the conduct of the colored people?

Answer. Yes, sir. It was founded upon the facts which existed just then—that the

negroes were being incited throughout the South to antagonism and violence; that they were being united as a race, whose interests they were taught to believe were in direct conflict with those of the white men at the South, and the idea was being implanted in their minds that the lands really belonged to them. The organization of which I spoke was founded on the apprehension that by such teachings the negroes might be instigated to violence; not that the negro, left to himself, would ever cause trouble. As I said very distinctly a while ago, I believe that all this disturbance has been created there by the efforts which have been made to array the negroes against the whites. I believe that now if you will remove from our State all but the *bona fide* people of Georgia, there will be the kindliest feeling between the two races. In fact, I may say I know it. It is not merely a belief.

Question. Did you call this association the White Brotherhood?

Answer. No, sir, I designated it as a brotherhood to give an idea of what it was. It had no such title. I really do not know that it had any title. If it had, the fact has passed out of my mind.

Question. It was founded upon an apprehension that the causes to which you have referred would produce a change in the conduct of the negro?

Answer. It was founded upon an apprehension that the carpet-baggers (I do not mean to use that term in any offensive sense—it is a way we have of designating men who have no permanent, substantial interest in our community) were attempting to organize these negroes in antagonism to us, and might succeed in doing so, and in producing conflict. The apprehension was founded upon the idea that whatever change might occur in the feelings of the negroes would occur as the result of this foreign interference.

Question. The main ground of apprehension was the organization of the Union Leagues, was it not?

Answer. Yes, sir; but the matter did not stop with politics. Probably the political idea may have been in the ascendant, but in order to unite the negroes for their purposes these men stimulated them to feelings of bitterness toward the white citizens. This was the talk to the negroes. They told us so. Why, sir, my own carriage driver told me, in so many words, "I want to vote the democratic ticket; I want to vote like you vote; but I am afraid to vote that way." Said I, "Why are you afraid?" Said he, "My own color say that they will handle me if I do." He talked so much about the matter that my wife interceded for him, and told me to relieve the negro by telling him to go and vote the ticket which the other negroes wanted him to, to relieve him from all apprehension that I might dislike it if he voted that way. I made no effort to control him. He did not vote at all. Others have told me the same thing. Any amount of testimony could be produced on that point.

Question. How extensive was this white organization which was formed at that time?

Answer. I have no means of knowing. I know that it embraced some of the best men in the State. I think it pervaded the entire State. I do not know whether it extended to other States or not; my impression is that it did.

Question. Did those that you knew as members of this association all belong to one council?

Answer. No, sir.

Question. They had different councils?

Answer. I do not know exactly what you mean by "councils." They had some sort of means of controlling the organization in the different localities. There were certain men who were selected to keep the peace in certain neighborhoods.

Question. To control certain localities?

Answer. Yes, sir; but there was never any effort, within my knowledge, to use the organization for any political purpose, or to connect it with politics at all. And while I am not going to state what my position was in that particular organization, I will say that I certainly would have known if there had been any such effort or purpose.

Question. Did they have officers in the different localities—I mean head men?

Answer. Yes, sir. It was one of those officers who, with his men, stopped the riot that I spoke of; and I think there were a good many other cases of that kind.

Question. What were those officials in the different localities called?

Answer. I do not remember what they were called—chiefs, or something of that sort, I think.

Question. You do not know what the association was called?

Answer. No, sir; I do not, though I ought to know. The truth is that I never was at one of the gatherings in my life, if they had any gatherings. I hear of gatherings, but I do not know anything about that sort of thing. I was approached as an individual by certain gentlemen, and told that such an organization existed, and that its purposes were such as I have indicated, and I was asked to unite with them. I told them I certainly would; that they could command my services on that line whenever they wanted them. That is the last and the only thing I ever heard about it, except in the few cases I have mentioned where it was necessary to stop riot; and that was

done without the shedding of blood or the use of weapons, just by the united effort of a body of men who could be used for that purpose.

Question. Were there more officers than one in command of one camp?

Answer. There was not more than one officer in a county, I reckon.

Question. Was there anything like a chief in a congressional district, commanding more than one camp?

Answer. Yes, I think so.

Question. So that in case of an emergency two or three camps might be thrown together?

Answer. Yes, sir, I think so. I think, however, that they were mainly county organizations.

Question. Was there a chief of the whole order in the State?

Answer. Well, sir, such a thing was talked about; I do not know that the organization was ever perfected. Such a thing was talked about for the purpose of keeping down any general movement on the part of the negroes; but I do not think it was found necessary. We had no lodges, councils, nor anything of that sort.

Question. Was there a central authority that had general supervision over the organization in the different localities?

Answer. That is the thing I am speaking of. We talked about it in Georgia, but I do not think we ever perfected any such thing. There may have been a chief for the congressional district, but that I do not know about. The truth is, I know very little about the matter further than what I have just stated, that there was an understanding of the kind designated among certain men. It would be said, for instance, to some one man, "If a disturbance occurs in your neighborhood, you ought to take control of this thing." Everybody understood that it was to be that sort of an organization. We had no drilling, no companies, or anything of that sort. There was some one party to look to, so as to unite the efforts of the best men of the country in stopping any violence that might be started in any particular neighborhood. For instance, the apprehension was that the negroes on one plantation might take the life of the owner of the plantation, and incite the negroes of another plantation; and the object was to have enough white men to stop such a movement before it spread over the county, and to have some definite authority who would have moral power—I mean conceded power—to call upon the citizens to suppress such a thing.

Question. When you had no general controlling head in the State, was there not danger that in some localities the organization might be turned to purposes foreign from its original purpose, and unlawful?

Answer. I think not. Only the very best men in the State had anything to do with it, so far as I knew. For the reason that you suggest, in order that there might be some general control, a head was talked about; but my recollection is that in that respect the organization was never perfected.

Question. Can you give us the names of some men who would be likely to know more about the organization than you do; some men who have been in their councils?

Answer. No, sir; I would not feel at liberty to do that, though I do not think they would object in the least.

Question. Why, then, do you not feel at liberty to do it?

Answer. I will tell you. My opinion is that nobody knows anything more about it than I do; I think I know all about it.

Question. But you have not been in any of their meetings?

Answer. I do not think they have had any meetings. We did not have any organization like the Loyal League, meeting and counseling together. We had but one purpose to subserve, and that was to protect the safety of our people. And the apprehended occasion never arose; the danger passed away; the alarm and apprehension were gradually dispelled. As with most of the evils of this life, we found that we had anticipated a great deal more than ever occurred.

Question. Was there any obligation which the members took?

Answer. Yes, sir.

Question. Was it in the nature of an oath?

Answer. I do not think it was an oath; I think it was a pledge, tantamount to an oath.

Question. I mean was the obligation in the form of an oath—"You do solemnly swear," or anything of that kind?

Answer. Yes, sir; I think it was.

Question. Of course it would not be an oath unless some officer administered it.

Answer. I think there was something of that sort.

Question. Do you recollect the purport of that oath?

Answer. I have no recollection of it at all, except that it was to the effect that we would unite as a band of brothers to protect each other from violence and aggression on the part of the negro.

Question. You took the obligation yourself?

Answer. Yes, sir; I took it to whatever extent it was given to anybody. It could

not be regarded as an oath; it was a moral pledge. But I regarded it just as much as an oath.

Question. It was in the form of an oath; of course it would have required an officer to administer an oath.

Answer. I do not think it was given in the form of an oath. I do not know that they ever said, "You solemnly swear," or anything of that kind. I do not remember how that was. There was nothing written about it, no publication—no special form, I reckon, at all. I was approached by two gentlemen, who told me they wanted to get up some such thing.

Question. Can you not give us in general the purport of the obligation?

Answer. It was simply that we would be faithful to each other in defending each other and our families, and that we would obey, when called upon, the orders of the party that we selected, whoever he was.

Question. As chief?

Answer. Yes, sir. I mean legitimate orders, such as aiding to put down insurrection or violence.

Question. Was anything said about the radical party, or the republican party?

Answer. No, sir; not a word.

Question. Was this an association of white men exclusively?

Answer. I think it was; I never knew a negro to be connected with it.

Question. Did you ever know a white republican to be in it?

Answer. No, sir; you could not have found any in our State.

Question. Do you mean that no white republicans could be found in your State?

Answer. None that we would have considered—you must not question me too closely on this point—none that we would have regarded as our equals.

Question. You would not have taken them into the organization?

Answer. We would not have taken them into any organization—the particular men there in our State. There are some few republicans in Georgia that I do not think would have been objected to. But the object was to get true men. I think the organization was mainly confined to the soldiers of the army, men who had shown themselves plucky and ready to meet any emergency, and who were accustomed to command.

Question. Where did that organization originate?

Answer. I have no idea in the world—not the remotest.

Question. Who carried it to the State of Georgia?

Answer. I have no idea about that either. It was there before I knew anything about it. I have not the remotest idea who brought it there. I was talking the other day to a friend of mine, one of the most prominent men in the State. We were comparing notes in regard to this matter; and he stated that he had been approached in precisely the same way that I was. He is one of the best and most pious men in the State—a Christian gentleman—a high-toned man in every respect. I have no doubt that every man in the State whom I know to have been connected with this organization would be quite willing for me to give his name; but I do not feel like doing it. Of those that I know there is no one who would hesitate to tell you all he knows about it.

Question. You reside in the city of Atlanta?

Answer. Yes, sir, just out of the city; my office is in town.

Question. Do you know of no gentleman whose name you would feel at liberty to give, who was connected with the order in some locality away from the city?

Answer. No, sir; I would rather not.

Question. The organization might not be the same thing out in the country that it was just about Atlanta?

Answer. I reckon that it was. I had communication with persons all about; I have talked with them since, and I did during the existence of the thing. This disturbance which I have told you occurred on one occasion was not in Atlanta; it was in Southwest Georgia. There was, I will state, a political organization in Georgia; but it was not a secret organization; it was an organization such as you have here or anywhere else; we had an organization of democrats in the State—a regular party organization. We selected certain men, whose business it was in certain districts or counties to bring up all the democrats and get them to the polls. That was a political organization; but there was no secret about it. We had our county committees, our district committees, and our State committee; we were very thoroughly organized as a party; and there were particular men in particular districts who were to hunt up every democrat in the county and see that he got to the polls. The organization was very efficient indeed.

Question. Was it composed of the same men that belonged to the other?

Answer. No, sir; O, no; it was entirely distinct; it had nothing to do with it. Some of the same men may have belonged to both; but a great many who belonged to one did not belong to the other. The two organizations had no sort of connection at all. As to the men who were members of this organization that was formed for the protection of

our community, I know but one or two who approached me in regard to the matter; I have no reason to believe that there were a great many others connected with it.

Question. Did they have signs of recognition?

Answer. I think they did at first; but I think that passed away in a very short time. I never have recognized anybody by any sign.

Question. Did you have passwords?

Answer. I do not know about that; I do not think they did; I think there were some sort of signs, and that those signs were intended to get these parties together; they were intended for use in case of the occurrence of this violence which was apprehended.

[The CHAIRMAN (Mr. POOL) submitted to the committee the question whether the witness should be required to give the names of other persons whom he knew to have belonged to the organization; and the committee decided that the question should be answered.]

The WITNESS. I think you will find that these men know just the same thing that I know—no more, and no less. I will mention the name of a gentleman who I think can give you as much information as anybody else in our State, General A. H. Colquitte.

Question. What is his address?

Answer. He is a large planter in Southwest Georgia, but his address is Atlanta. I have no hesitation in saying that his testimony upon this point would be precisely what mine is; for I talked with him just before I left Atlanta. I would also give the name of General G. T. Anderson. His address is also Atlanta. Those are about the only ones I can speak of positively. General Anderson is a Middle Georgia man. But gentlemen are in Atlanta at this time.

Question. Can you not give us the names of some gentlemen in other localities of the State?

Answer. These gentlemen are from different localities. General Anderson lives in Atlanta; but he is a railroad man, and knows every portion of the State. His home before he came to Atlanta was in the middle part of the State, below Atlanta. General Colquitte is one of our largest planters in Southwestern Georgia. His home at present is Atlanta.

Question. Can you give us the name of any prominent member of the association in the Savannah district?

Answer. No, sir, I do not know any there, unless General A. R. Lawton could tell you something about it. I think he could, if anybody could in that section.

Question. Do you know any of the county or district chiefs?

Answer. No, sir.

Question. Do you know anybody who would probably know about the operations and about Jefferson County?

Answer. I think General Wright would know more than anybody else; but I do not know that General Wright knows anything about it.

Question. He said he did not.

Answer. I do not know that he did have any knowledge of it at all. The fact is that, in my judgment, the organization was a very temporary thing; I do not think it existed any length of time at all; I do not think it was ever even perfected. I have given you just the intention of the thing as I understood it. I never heard anything more about it after that until I talked with General Colquitte, just before leaving Atlanta to come here. He had not heard anything about it for a long time. It was simply understood among the members of this organization that if the necessity should arise, we would unite to put down disturbance, and that we would extend the organization if required. But things took a change right away. The elections passed off, and quiet was maintained all over the State without any difficulty.

Question. Do you think this organization was not used in the election at all?

Answer. Not at all. I think I can say, with great emphasis, that it was not. The truth is, there was no organization about elections.

Question. You gave as a reason why the organization was secret that you did not want to seem to be opposing the United States Government?

Answer. Yes, sir.

Question. You did not mean to intimate that there was in the organization any opposition to the United States Government?

Answer. Not at all; on the contrary, the organization was in entire accord with what we believed to be the spirit of the white soldiers of the United States, to maintain the peace, and keep down any collision of races, anything that would tend to produce a war of races. That organization would not have hesitated a moment to have united with the United States troops at any time in quelling disorder. That is the feeling we had. We would have sent for the United States troops if we had not been strong enough. The presence of the military at elections, where they were not sent to interfere with the freedom of the ballot, but simply to keep the peace, was always welcomed by our people, and I think the military now in the State would testify

that the citizens have acted in entire accord with them all the time. There were a few cases where military men were partisans, and interfered improperly in elections, which created a great deal of feeling and bitterness; but in a large majority of cases the troops behaved well, and the people were very glad to have them in their midst, under the circumstances.

Question. Why do you think this organization does not now exist in some localities in Georgia?

Answer. I think I would know it if it did; I think I would have heard of it. I have heard of no such thing anywhere in the State for a long time past. I am satisfied that if anything of the sort were continued, I would have heard something about it. And that is General Colquitte's feeling.

Question. If there was no general head, why should the local organizations report to you?

Answer. I think I would have heard of the organization if it continued to exist. I am travelling all over the State all the time. My soldiers are scattered all over the State; and there is no one of them who would hesitate to tell me anything of the sort. As I have said, the organization was confined mainly to the soldiers, so far as I knew. It would have been almost an impossibility for the organization to have existed recently without my knowledge.

Question. But it did exist for some length of time?

Answer. Yes, sir; it existed in the way I tell you—without having any organization that I ever heard of or knew anything about. It was just this quiet understanding, without any programme further than to keep the peace and preserve order in the State. I want it distinctly understood that this organization was intended, by peaceable means, not by violence, to prevent a collision of the races. We did not want to have in our State a war of races—to have our property and our lives destroyed. We feared the peril to our women and children. We felt that we must have some means of bringing to bear in an emergency a sufficient moral force in any particular neighborhood (just as was done in the instance I have spoken of) to suppress anything of that sort by the power of influence and of numbers, and, in case of absolute necessity, by actual force.

Question. During the time that the organization did continue, did you have any talk with your soldiers in the different localities of the State in regard to it? Did they mention to you its existence, and talk to you about it?

Answer. The same gentleman who posted me on the subject——

Question. I mean the private soldiers of your command.

Answer. No, sir; I do not think they did. I do not think it ever assumed any definite shape. I do not think the organization in our State, as generally reputed to exist, amounted to anything like what has been represented in the newspapers.

Question. You do not think it went so far as the newspapers have said?

Answer. No, sir; I know it could not possibly have done so in our State without my knowing something about it.

Question. You say that the organization was for the purpose of preventing a rising on the part of the colored people against the whites—a collision of the races?

Answer. It was intended as a police regulation.

Question. Was there any understanding that there were to be manifestations to intimidate the colored people and make them afraid of it in order to keep them down?

Answer. O, no, sir; not by any means. On the contrary, the very men whom I knew anything about as connected with it were the very best friends the colored race had, and would do more for them than others—would give them more mony to help them; they were men who had been among the kindest masters to the negroes.

Question. You mean when they behaved themselves?

Answer. Yes, sir; and they will do more now to keep up good feeling in the State than any men that I know.

Question. Are you sure that in some distant localities (you say that the organization extended nearly, if not quite, all over the State) it was not abused to the extent of an effort to produce a state of intimidation on the part of the colored people as preparatory to keeping them from making any manifestation against the whites?

Answer. I cannot speak positively upon that subject, but I do not believe it was. I have no knowledge that it was. I cannot say emphatically and positively that it was not, but I do not know of any case of the sort in the State. I never heard of any such case. I think it is very likely that in some particular and individual instances there may have been some intimidation, but I do not think that the intimidation came from this source at all; nor do I think that any intimidation of that kind which did exist was comparable in any degree to the intimidation used by the other side upon the negroes to force them to vote the republican ticket.

Question. You think the organization was composed principally of soldiers of the army?

Answer. I think so; it was, so far as I know.

Question. Were they armed?

Answer. No, sir; O, no.

Question. Was there ever any movement made to have the organization armed?

Answer. No, sir, I never heard of such a thing.

Question. You spoke of one occasion upon which there was a difficulty between a white man and a negro, which was likely to grow into some serious collision, when this organization stepped forward and quelled it?

Answer. Yes, sir.

Question. In what locality was that?

Answer. At Albany, Georgia, I think.

Question. In what manner was that done?

Answer. I think it was done just by the moral power of the people.

Question. Do you mean that it was done by a single man or several men?

Answer. I think it was done by a number of men. I was not present. General Colquitte will be more able to tell you particularly about that. There were no harsh measures taken.

Question. Do you recollect whether arms were used on that occasion?

Answer. I do not think there were. My recollection is that the United States troops present coöperated. Without knowing that anybody present belonged to any organization, the United States troops, I think, coöperated in preventing a collision. The testimony with reference to that I have from individuals who were present on the occasion, and it was generally understood in our State at the time. I was not present myself.

Question. Do you know of any operations of this order, anything which any part of the organization did in any portion of the State?

Answer. No, sir, I do not.

Question. Did they ever take any active step of any kind?

Answer. Not within my knowledge. I cannot say that they did not in other localities. I do not know of their doing anything; I do not know that they did not. I have not heard of anything except the particular case that I have spoken of.

Question. Do you think that the organization has produced any good effect in the State of Georgia?

Answer. I do not know that it has done anything one way or the other; I do not think it has produced any effect at all, good or bad.

Question. Have you not heard of bands of disguised men riding about in localities intimidating the colored people and sometimes taking them from their houses and whipping them?

Answer. Yes, sir, I have heard of such cases; but I do not know anything of them. I have heard of such things in the State, but I cannot specify any locality where such a thing is even reported to have occurred. The truth is I have been out of the State a great deal during the past year—ever since last August; and I think the main portion of these reports relate to matters which are said to have occurred since. That is my recollection. I have, as I have already said, heard of disguised men. The only case that I know of where parties were captured in disguise was a case in Chatooga County, where the parties turned out to be republicans.

Question. State the circumstances of that case.

Answer. I do not know enough about it to state any particulars, except that on returning to my home in Atlanta I merely heard it on the street—and I believe it is notoriously true—that these parties were not only captured in disguise, but that they had been tried by the courts for some depredations, (I do not even know what the depredations were,) and convicted. My recollection is that a reward was offered by the governor, and that two of these parties were captured in disguise. I do not know how many belonged to the party. My recollection is that the reward was paid for the capture. There was a good deal of talk about Ku-Klux being in Chatooga County and a reward was offered; I do not know whether it was for the capture of the Ku-Klux generally or for the capture of parties who had committed some particular depredation; but the offer of this reward I believe resulted in the capture of these disguised men. I only know about the matter from what I heard upon the street on my return to Atlanta; I never investigated it at all.

By Mr. BUCKLEY:

Question. Are you quite sure that those two men were disguised?

Answer. I say that is the report on the streets; and I think it is true; I have no doubt about it myself, though I did not see them in disguise—never saw the men and never knew their names. The information is as public and current at my home as information of any other occurrences that take place in the courts. For instance, when you hear that a man has been arraigned and convicted, you take it for granted that the report is true without seeing the man himself. It is currently reported on the streets that these two men were captured in disguise, and were known to be republicans

By the CHAIRMAN, (Mr. POOL:)

Question. Was that in the district in which Mr. Forsyth is the prosecuting officer?

Answer. I do not know Mr. Forsyth at all. I know also very little about the organization of my State in regard to those particular things. Rome is in that district. Judge Wright is from that district.

Question. Governor Bullock states in a recent publication that of all the State officers elected by the people or appointed by himself there are not more than a dozen men holding offices (and those offices unimportant) who are not either natives of the State or residents of the State before the war and during the war?

Answer. I presume that is true.

Question. You think that is true?

Answer. Yes, sir. There are a great many offices in Georgia, and it would be very hard to find enough of these men to fill the offices.

Question. You mean enough of the carpet-baggers?

Answer. Yes, sir. Very few of them were lawyers, and therefore they could not be judges; they did not know anything about law, and could not be justices of the peace. I want to say for Governor Bullock that I think, so far as he could consistently with what he may have construed to be his party obligations, he has appointed very good judges. As I have already said, our people are reconciled to the judiciary that we have. The law is now administered there, I think, as well as it is anywhere in the country. It is the stealing of the public money that is now principally complained of.

Question. You spoke of not being able to challenge voters at the ballot-box; there is no law against challenging a man when he goes to the registrar to be registered?

Answer. I think not; but the registration is entirely in the hands of one party; and in the first election under the reconstruction laws the registration was the means of debarring from the exercise of suffrage a vast number of men who ought to have voted. There was no appeal at all; the registrars had power to strike off names by the wholesale, and they did it.

Question. Did you mean to say that registered voters have the right to vote unchallenged on the day of election?

Answer. Yes, sir; I believe that is true; but the trouble is that you cannot challenge men who are not registered; you cannot challenge anybody at the polls, no matter where he comes from. You might import a man from Africa and take him to the polls, and he could not be prevented from voting, even though not registered. The election officers do not stop to examine the registration lists; they let every man vote who wants to vote.

Question. Does the law authorize the voting of any man who is not registered?

Answer. The law forbids the challenge of any man's vote; but you can prosecute afterward a man who votes without being registered.

Question. For voting?

Answer. For voting; but you cannot prevent his voting. For instance, I can go into any county of that State on the day of election, and, if I am willing to risk a prosecution, I may vote for a county officer, although I am no resident of the county. Nobody can prevent me from voting, except those who manage the polls.

Question. Is it not their duty to prevent any man voting who is not on the registration books?

Answer. I suppose it is; but they do not do it.

Question. You mean to say, then, that if a man votes without being registered he violates the law and renders himself liable to prosecution?

Answer. Yes, sir.

Question. A man might violate the law in any other way, if he chose to take the chance of prosecution?

Answer. Of course; but that does not save the election at all. So far as the election is concerned, it is too late to prosecute a man after his vote is received and counted, though you may punish him personally.

Question. Are not the names of those voting taken down as they vote?

Answer. Yes, sir. There are plenty of illegal votes now on the records.

Question. That record of those actually voting would furnish a very good means of contesting an election, as you would have a list of the registered voters and also a list of all who actually voted?

Answer. Yes, sir; but we have carried the State notwithstanding that; and we do not care anything about challenging when we have got a large majority of the legislature.

Question. In case of necessity you might contest in that way?

Answer. We might contest if there were any hope of accomplishing anything; but with the whole power of the State government against us, it would not do any good to contest. Our people have been discouraged about that sort of thing. We have tried it pretty heartily. We had a case where a party was put in an office by changing the votes after they had all been counted, and the lists made out and sent to the officer

appointed to receive them; the vote was changed on affidavits of parties that they h not intended to vote in a particular way.

Question. You assume that your political adversaries would violate law, and fairne and everything else?

Answer. Well, we have pretty strong evidence of that fact.

Question. Doubtless some would; but do you think the rule is universal?

Answer. O, no, sir; I do not think there would be a wholesale refusal to hear us mean to say, however, that we would institute prosecutions under very decided dis vantages.

Question. Is there no legal machinery by which you could have a hearing?

Answer. O, yes, I think so. As I have told you, there were quite a number negroes arrested in the city of Atlanta for having voted illegally; but when we h carried the election nobody cared anything about that matter. If we had not carri the county, the contest would have been made beyond all question.

Question. And the mode of conducting the election as prescribed by law gives you facility in the contest by providing lists of registered voters, and also lists of th who actually voted, so that you can compare the two lists?

Answer. Yes, sir; that is true.

Question. There is no law against objecting to the registration of a man when goes and offers to be registered?

Answer. No, sir; but the registration is going on for months; and nobody can sta there during all that time to keep men from registering improperly. The registrati was going on for a year or two years. In fact it commenced before Governor Bullo was elected; and it has been going on ever since. Hence the registration list is nev watched at all.

Question. Are not the registration lists open for the inspection of the public?

Answer. O, yes, sir.

Question. They are public records?

Answer. Yes, sir.

Question. If you should find upon the registration lists the name of a man not en tled to register, could you not make a complaint to the registrars?

Answer. We tried that in the first election, but we never succeeded.

Question. You had a right to do that?

Answer. Yes, sir; we had a right to apply to the registrars; but the registrars w registered the principal part of the voters in Georgia, were men who paid no regard all to law. I will say that very emphatically. They struck off men at their m discretion; and there was no appeal to any superior authority.

Question. I am not speaking as to the *personnel* of the registering officers; but simp inquiring whether the law enabled you to bring the case before them?

Answer. Yes, sir; we have the right to go to the registrar and say, "You have tak my name off, or put this man's on, when you ought not to have done so."

Question. And you may bring evidence before him to show that he has erred?

Answer. Yes, sir, of course; but the difficulty was that it did no good.

Question. You mean to say that the registrars did not act according to law, a according to honesty?

Answer. That is the point.

Question. The trouble is not in the law itself?

Answer. No, sir. The law for the registration in Georgia was different from t election law.

Question. Your election law provides that no registered voters shall be challenged

Answer. The law is that there shall be no challenging; whether a man be register or not, you cannot challenge him. You cannot say to the election officers, "This m is not registered, and therefore must not vote." Under that law it is an offense challenge.

Question. Was not the provision of that law that there should be no challenge an "elector?" Was not the word "elector" used?

Answer. I am not positive about that.

By Mr. BLAIR:

Question. That is not the case with the Alabama law.

Answer. I do not think it is the provision of the law of Georgia.

Question. Was it not the conviction of many persons in Georgia that that law w passed with the purpose of carrying the election by fraud?

Answer. That was the universal conviction.

Question. Was it not understood that the Attorney General of the United Sta went down there and volunteered to frame this law?

Answer. It is believed that the draught of the law was furnished by him; that is t general impression in the State of Georgia.

Question. He was there at the time?

Answer. He came there and made a speech to the legislature of Georgia—a very bit

speech, as we thought, and very unnecessary. It was a speech calculated to do a vast deal of harm in Georgia. Almost everybody deplored it, I think—sensible republicans as well as democrats.

Question. I will read two sections of the election law of Georgia, and you can see whether they correspond with your recollection:

"SECTION 7. In addition to the duties now prescribed by law for the managers of elections, it shall be the duty of said managers to preserve order at and near the polls; but they shall have no power to refuse ballots of any male person of apparent full age, a resident of the county, who has not previously voted at the said election.

"SECTION 8. They shall not permit any person to challenge any vote, or hinder or delay, or interfere with any other person in the free and speedy casting of his ballot."

Answer. That is the precise provision I referred to a while ago, as having discouraged our people. They believed that it in fact opened the polls to anybody from any quarter of the globe to come there and vote, without regard to his qualifications; that there was no power to prevent the voting of any person who might offer his ballot.

Question. Was it not the general conviction that this law was passed by your legislature with the purpose of carrying the State by fraud?

Answer. That conviction was so general at first that it entirely discouraged our people, so that they felt there was no use in making any effort to carry the State. That was the feeling all over our State immediately after the passage of the law; and it took a vast deal of effort on the part of a few energetic men to get our people to make any effort at all.

By the CHAIRMAN, (Mr. POOL:)

Question. But notwithstanding that, you did succeed in carrying the State?

Answer. O, yes, we carried it very handsomely, and we did it by electioneering with the negroes beforehand.

By Mr. BLAIR:

Question. And you succeeded when the republicans had all the election officers in the State?

Answer. Yes, sir; all of them. Why, sir, there are a large number of negroes in Georgia who, in spite of all the influences brought to bear upon them, vote the democratic ticket. We have in our State democratic clubs composed of negroes. In some places they are strong enough to maintain their position in that way.

Question. Against the violence of the other side?

Answer. Yes, sir, against the violence of the other side. Negroes, in some localities, have regular democratic clubs. I think there is a very large one in Savannah. A vast deal of electioneering in our State was done by young men who took buggies, carriages, and wagons, went all over the county getting negroes, and brought them to the polls, and voted them.

By Mr. BUCKLEY:

Question. Those colored democratic voters voted without any difficulty in your last election, did they not?

Answer. O, yes, sir; but some, as I said, refused to vote on account of what was said.

Question. You never knew of any actual violence committed upon negroes voting or wishing to vote the democratic ticket? You knew of nothing more than threats?

Answer. No, sir, I have never known any actual violence; I have heard of instances of the sort.

By the CHAIRMAN, (Mr. POOL:)

Question. Suppose a man should have challenged another, alleging that though registered he was not in fact a qualified voter; would there have been any penalty for the challenge?

Answer. Yes, sir; a direct penalty; the man making the challenge would have suffered the consequence of a violation of the law, and I think the penalty is fine and imprisonment.

Question. My attention has been called to the fact that there is no penalty provided in the law for challenging.

Answer. I think you will find there is a penalty. Any challenge is a violation of the law. I apprehend that if I had gone to the polls and challenged a negro's vote, I would have been arrested, prosecuted, fined, and imprisoned. I believe I would have been charged with a misdemeanor in violating the election law; that the courts would have sustained the charge and convicted me of a crime. I have no sort of doubt of that.

Question. Have you known any voters to be challenged in the State of Georgia since the passage of that law?

Answer. None at all.

Question. Practically, then, there is no right of challenging votes on the day of the election?

Answer. There is none so far as I know; and I think there is none.

Question. What was the war debt of the State of Georgia at the close of the war?

Answer. I cannot tell you; I have not looked into the statistics on that subject. That war debt was all repudiated.

Question. It was not repudiated by your people?

Answer. O, yes, it was.

Question. It was repudiated by an amendment to the Constitution of the United States.

Answer. It was repudiated by our people in convention, under Andrew Johnson's administration.

Question. That was done under the instructions of the Government?

Answer. Yes, sir. I think we would have paid it if left to ourselves, or at least tried to do so.

Question. The odium of refusing to pay it was not on your shoulders?

Answer. Not at all.

Question. The command not to pay it came from a superior power?

Answer. Yes, sir.

Question. You spoke of the turning of a number of men out of the Georgia legislature upon an allegation that, after taking an oath before the war to support the Constitution of the United States, they had been implicated in one way or another in the rebellion. Were not colored men turned out of that legislature simply because they were colored men?

Answer. Not out of that legislature. They were turned out of the first legislature, which was elected at the same time as Governor Bullock. I believe that was the main ground urged for reconstructing us. They were turned out on the ground assumed by the recognized leader of the republican party in Georgia, Governor Brown, who throughout his canvass gave the opinion that they were not entitled, under the constitution of Georgia, to hold offices. It was upon the constitutional ground solely that they were turned out—not because they were colored men. The democrats in the legislature were strong enough to exclude the negroes, who were upon trial, from the right of voting upon their own cases. Their right, under the constitutional provision, to hold seats was tried, and they were declared not qualified to act as members. That view was sustained, as I have said, by Governor Brown, the leader of the republican party. That legislature was subsequently reconstructed. The only legislature that we have elected since is the present legislature, which has not yet assembled.

Question. General Terry proceeded to purge that legislature?

Answer. Yes, sir.

Question. The democrats first purged it of the negroes?

Answer. Yes, sir.

Question. And afterward General Terry purged it of those who, before the war, had sworn to support the Constitution, and who had been engaged in the rebellion?

Answer. Yes, sir.

Question. So that there were two processes of purging the legislature—one by the democrats, and the other by General Terry?

Answer. Yes, sir.

Question. In the first process of purging, the colored men were put out by the democrats; and they did not allow the colored men who were elected to vote on that question?

Answer. No, sir; they were on trial. In Congress I believe a man cannot vote upon his own case when the question of his right to a seat is on trial.

Question. Did they try them all at a time?

Answer. They tried the general question as to whether negroes were entitled to hold office.

Question. Did they not make a single case in the first place upon the right of one member?

Answer. I do not now remember about that; I was not in the State at the time.

Question. Was there any other mode of doing it except by trying the question upon the case of the first colored man whose name was called?

Answer. I think that was the method—that one man was put upon trial. The general result was that the question was decided that all negroes were ineligible to office.

Question. The first case decided the question as to all the others?

Answer. Yes, sir.

Question. Now, upon that first case they did not allow the other colored men who had been elected to vote?

Answer. I do not know as to that. You are asking me to suppose a case which I do not know existed at all. I was not in the State while the trial was in progress.

Question. I ask you as a lawyer whether there was any mode known to the law by

which such a question could be tried before the legislature save the one I have indicated?

Answer. No, sir; not if one member only was on trial. But I think you will find, upon examination of the records, that all the negroes were put on trial for their seats at one time. The question was simply whether a certain class of men were entitled to hold their seats under the constitution of Georgia.

Question. The legislature decided that colored men could not hold their seats in that body, and turned them all out?

Answer. Yes, sir.

Question. Did they seat white men in their places?

Answer. Yes, sir.

Question. The minority candidates?

Answer. They seated the men who were entitled, under the constitution, to the seats. Under the constitution of Georgia, whenever an ineligible person receives the largest number of votes, the next highest candidate, if eligible, takes the office.

Question. Is that the law of Georgia?

Answer. Yes, sir.

Question. A case was stated here yesterday—I think, perhaps, by Judge Wright—where a man was seated in the senate to fill the place of another who had died?

Answer. Yes, sir; I think I remember such a case.

Question. From the manner in which that case was stated it looked like rather a flagrant case of usurpation. If the senator who had died was not eligible, would the minority candidate have been entitled to the seat?

Answer. I think that if the senator who died was not eligible the other man was entitled to his seat.

Question. The fact that the first man had died would make no difference as to the title of the second man?

Answer. I think not. But I think it would be too late to adjudicate his case after his death, if he had been duly installed.

Question. But this case was passed upon by General Terry at the time he did the purging.

Mr. BLAIR. Not till after the death of the senator.

The CHAIRMAN, (Mr. POOL.) But it was done by General Terry at the time of the second purging.

WITNESS. I think that such a case would come under the provision of our law, which provides for a new election in the case of the death of a member. I think the supreme court would so decide. As you have put this question to me as a lawyer I wish to say, that though I commenced the practice of law when I was quite young—fifteen years ago—I have not practiced for some years past, and I cannot undertake to give more than my general idea upon such a question. I do not pretend to be a lawyer now. My impression is that in case of the death of a party who has held the seat, the supreme court of the State would decide that the provision for cases of death would be applicable; that it would be too late then to adjudicate the question of the eligibility of the deceased person. I only give that as my impression.

By the CHAIRMAN, (Mr. POOL:)

Question. You mean to say that the right of a minority candidate, which, of course, would be an absolute right, would be divested by the death of the majority candidate, even though the latter was ineligible.

Answer. I think so, under the law, if the majority candidate had been installed, and had died before any decision upon the question of his eligibilty.

By Mr. BLAIR:

Question. Under the constitution of your State, who is the judge of the qualifications and elections of members of the legislature?

Answer. The legislature itself. But they were not allowed to judge in this case. That is where the usurpation really was. That is the gist of the whole question.

Question. What authority had General Terry to interpose his judgment in the matter?

Answer. We thought he had no authority at all, even under the reconstruction law.

By the CHAIRMAN, (Mr. POOL:)

Question. The question as to the authority of General Terry is a separate question; but admitting him to have possessed the power which he assumed, had he not authority to go ahead and purge the legislature according to law?

Answer. Of course.

Question. Whether General Terry wrongfully assumed jurisdiction is a separate and distinct question which has nothing to do with this particular case, any more than any other which might arise with reference to the qualifications of members.

Answer. I think that even the legislature itself could not have gone behind the fact of the man's death. If he was sworn in as a member, and died before the question of

his eligibility had been determined, then I think that the provision of law with refe ence to supplying the places of members who die would have been the potent one.

Question. Were you ever a member of a legislative body?

Answer. Never.

Question. Is not the ordinary practice in legislative bodies that the man who hol the certificate is first sworn in, and the contest between him and his competitor determined afterwards?

Answer. I believe it is.

Question. Would the death of the sitting member, before the contest was decide divest the legal title of the contestant, supposing his title to be a good one?

Answer. I should say it would under the provision of our law (it is very distinct) supplying the places of deceased members. I think the burden of proof would be on the other side. The sitting member is to be considered as the rightful meml unless, in a contest to which he is a party, he is shown not to be entitled; and as cannot be a party after his death the question cannot be adjudicated at all. Tha the point I make.

Question. Is there any express statute of your State upon that particular questi

Answer. No, sir; I think not.

Question. You are only stating your general judgment of the law?

Answer. Yes, sir.

Question. Did I understand you to say that there is now great feeling against the Government of the United States in consequence of the usurpations which, as you claim, were put upon your people by General Terry?

Answer. No, sir; I did not put it in that light. I said there was no opposition to the Government of the United States at all; but that the alienation—I think that is the word I used—that the alienation from the Government has been increased. There was, of course, alienation during the war and after the war. I think that alienation has been increased by the course of the Government of the United States towards the South.

Question. And the course of General Terry?

Answer. When I say "the Government," I mean, of course, all the departments of the Government.

By Mr. BLAIR:

Question. Do you not make a distinction between the Government itself and its administration?

Answer. I refer to the party in power. As to the Government of the United States, as we understand, there is no feeling of hostility against it. In other words, there is no disposition to get away, and to have nothing to do with the Government.

By the CHAIRMAN, (Mr. POOL:)

Question. You do not pretend to say that the people of Georgia would not have preferred to have established the confederate government?

Answer. Not by any means; they would have preferred it very much.

Question. They would prefer it now if it were possible?

Answer. I think they would. I am satisfied they would, in view of what they conceive to be the wrongs that have since been done them. And that is what I meant to say, that that feeling has been intensified.

Question. You mean the feeling of preference for the confederate government?

Answer. Yes, sir; it has been intensified by the course of the administration toward the people of Georgia. I want to be distinctly understood on that point. There is, of course, no anticipation of anything of that sort; we have sense enough to understand that thing is all over.

Question. Judge Wright analyzed the question by distinguishing between two kinds of loyalty: one, the loyalty of obedience to force which cannot be overcome; and the other, loyalty of the heart.

Answer. Well, I do not think the people of Georgia could be induced to take any violent course towards the Government. I believe they are law-abiding, and are willing to submit to and recognize the authority of the government. But I think that whatever of affection for the Government, in virtue of old associations, was left in them after the war, could have been cultivated by a different course from that which was adopted, whereas that feeling has been diminished by the course which has been pursued towards them. That is the distinction I want to make.

Question. According to some of the testimony before us, your people thought that the Government of the United States observed very bad faith in respect to the surrender at Appomattox; that it did not carry out what were understood to be the terms of that surrender?

Answer. On that point I want to say that the people of the South appreciate, I think, very fully and very justly the conduct of General Grant in protecting, so far as he could, the soldiers who surrendered there, when there was all this talk about punishing

for "treason," &c.; but I think that the bad faith was in this: The conduct of the Federal army, officers and soldiers, from General Grant down, at Appomattox Court-House, led our people to feel that a liberal, generous, magnanimous policy would be pursued toward them. They felt that they were at liberty to construe that conduct into a pledge, as it were; and as the sort of policy which that conduct apparently pledged has not been pursued towards us—as the policy has been one of distrust instead of liberality and magnanimity, our people feel that the faith which was pledged to them has been violated—not so much in letter as in spirit, if I may make that distinction. We do not claim that we had any written pledge from General Grant and his army, any further than that we should not be disturbed, so long as we obeyed the laws.

Question. The supposed pledge was a deduction from the kind manifestations on the part of General Grant and his army?

Answer. It was a deduction from the manner in which the whole surrender was conducted, the spirit of the correspondence and the general impression conveyed by the communications between the officers of the two armies.

By Mr. BLAIR:

Question. Do you not think that you were "disturbed" when you were deprived of political rights?

Answer. That is the point I was coming to. We felt there was a moral obligation arising from the circumstances I was stating; we had no written pledge except that contained in our paroles; and we think that that written pledge itself has been broken in the fact that we have been deprived of rights which we had inherited—which belonged to us as citizens of the country. In that particular our people feel that the Government has not kept faith with us. We have been disfranchised.

By the CHAIRMAN, (Mr. POOL:)

Question. Do you refer to the right to hold office, which is now taken away by the fourteenth amendment of the Constitution of the United States?

Answer. Yes, sir.

By Mr. BLAIR:

Question. And the right to vote, which was taken away by the reconstruction act?

Answer. Yes, sir. But as to the right to vote that has been fixed by the constitution of Georgia.

By the CHAIRMAN, (Mr. POOL:)

Question. The right to vote is not denied by the Constitution of the United States?

Answer. But many of us are denied by that Constitution the right to hold office.

Question. Did the spirit of kindness manifested by General Grant, his officers and men, have any influence in inducing your surrender; or was that kindness shown to you after your surrender was effected?

Answer. It was shown by the correspondence itself before the surrender and also after the surrender. The greater impression was made after the surrender.

Question. Had it anything to do with producing the surender?

Answer. O, yes; that correspondence had a great deal to do with the surrender. I think that a large proportion of General Lee's army would have cut its way out, or been captured or killed, but for the manner in which General Grant wrote to General Lee. I think that but for the manner in which the correspondence was conducted by General Grant, General Lee would not have surrendered. He might have been captured; but we would certainly have had more fighting. On this subject I speak of what I know. It was my fortune to be present at the last council of war, the night before our surrender. General Grant's correspondence was submitted to us and we discussed it. In that correspondence he said, "I ask nothing except that the army lay down their arms and return to their homes." We supposed that that was to be an end of the matter; that there would be no further conflict or bitterness stirred up and no further discriminations against us.

Question. You do not suppose that any further fighting would have been of any avail?

Answer. Well, sir, I think it probable that I could have gone through with my command; I had made a pretty good commencement.

Question. Would it have been of any avail to the cause?

Answer. No, sir; we would have lost the cause in the end without doubt. I think that if General Grant had demanded an unconditional surrender on that occasion, there would have been some heavy fighting; and I think we would have got out. But I do not think it would have amounted to anything ultimately. We would have gone to the mountains and probably fought a year or to two longer.

Question. You do not think you would have refused to surrender simply for the sake of securing to men who are now under disabilities the right to hold office?

Answer. O, no, sir; those questions of course had nothing to do with it. We never anticipated that any man would be denied that right.

Question. You probably recollect the effect produced upon the southern people by the declaration of President Johnson that "treason was to be made odious and traitors punished?"

Answer. Yes, sir.

Question. Was there any apprehension that there would be executions for treason?

Answer. Yes, sir; there was an apprehension of that sort. We did not believe we could ever be convicted of treason before the courts of the country; I do not think a man in the South believed that. There was a fear that some of us might be hanged—but we never believed that before any legitimate court of the country on a fair honest trial for treason, we could be convicted under the Constitution of the United States.

Question. You mean a court of law?

Answer. Yes, sir.

Question. But there was an apprehension that there would be executions?

Answer. O, yes; very serious apprehension.

Question. Did not the southern people feel very considerably relieved when it was found the Government would not go to that extent?

Answer. O, yes, sir; we never had any sort of apprehension of a conviction for treason by a court of justice. We did not believe that the act of secession was treason. I do not believe it now. I do not expect ever to believe it. I never expect to advocate any more secession; I have given that up; but I do not believe it was treason.

Question. You did not believe it was treason when you originally advocated it?

Answer. No, sir; and I do not believe it to-day; I never expect to believe it.

Question. Was there not an apprehension among the southern people that there would be some confiscation of landed property?

Answer. Yes, sir. But all that apprehension arose, mark you, when Andrew Johnson commenced his course.

Question. And there was a very great feeling of relief when it was found that that was not going to be resorted to by the Government?

Answer. Yes, sir.

By Mr. COBURN:

Question. In the first part of your testimony you spoke of certain troops having robbed an old man, and threatened to "pin him to a pine tree." Do you state that as having been done by the authority of the commanding officers?

Answer. No, sir; I have no idea that it was. I meant that it was the act of individual soldiers—those negroes of whom I was speaking. I mentioned that in explanation of the feeling that was stirred up between the two races.

Question. Did you testify as to the number of negroes on the Georgia coast?

Answer. No, sir; I did not, except as to the proportion of the negroes to the white population in that region.

Question. How many of these ignorant coast negroes do you think there are?

Answer. I do not know how many.

Question. Have you any idea how many thousands?

Answer. No, sir; I have not. I have no conception.

Question. In another part of your testimony you said, I believe, that the negroes would have been peaceable, but for the interference on the part of certain white men?

Answer. Yes, sir.

Question. I believe you also said that there was great kindness and love between the negroes who had been slaves and their former masters?

Answer. Yes, sir.

Question. Did you say that was a general rule?

Answer. Yes, sir.

Question. And the feeling continued after the war?

Answer. Yes, sir.

Question. But you say there is a different feeling now?

Answer. O, no, sir; I do not mean to say that there is any bitterness towards the negro in our State. I have given instances of great kindness towards him.

Question. After the negroes had been enslaved, and whipped, and punished, and never paid for their labor by their masters—after this had been for years the condition of themselves and their ancestors—do you think that when they became free there was, in spite of all this, a feeling of love, and kindness, and confidence on their part, towards those men who had held them in slavery?

Answer. I know there was.

Question. Then in view of those facts, do you think there was any ground for reasonable apprehension on the part of the whites that the negroes would do violence to them after the war was over?

Answer. None in the world, if the negroes had been left to themselves. But there

was a great deal of apprehension excited, because these ignorant people were excited and deluded by those who professed to be their friends, and who used, in order to influence them injuriously, the fact that they had been a part of the forces that had given the negroes their freedom. In that respect there was a great deal of ground for apprehension.

Question. Is it not reasonable to suppose that there was very much more danger from the negroes during the war, when the white men were away from their homes engaged in the army, than there ever was at any time afterward?

Answer. O, no.

Question. You think there was no danger during the war, when the mass of the white men were away and their families were left at the mercy of the negroes?

Answer. Nobody felt any apprehension at that time.

Question. Why was not apprehension felt then?

Answer. Simply because we knew that the negroes and the whites felt kindly toward each other; that the negroes were attached to their homes and their masters. The cruelty which was reported as being inflicted on the negro during his slavery never existed, except in rare instances. The negroes, as a general thing, were always better fed, better clothed, and more kindly treated, in my judgment, than any other laboring population in the world. I think that this fact was the secret of the feeling between the negroes and their old masters. There were individual instances where men did behave very cruelly toward their negroes, as there are individual instances where men have behaved cruelly toward their white employés. But these were individual cases; and the law provided for their punishment.

Question. Do you think the negroes, as a general rule, did not object to being held in slavery?

Answer. I think there never was a time when they would not have been glad to be free.

Question. Do you not believe that they considered the deprivation of their freedom as the most serious wrong that could be put upon them by any human being?

Answer. O, no, sir. I have talked to them about that in my speeches since the war. In canvassing since the war I have addressed crowds of negroes from the stump, and have carried them with me on this subject. So far from their being embittered toward us on account of their former enslavement, I have reasoned with them, and have had them agree with me *en masse* upon this point: that the southern white man was not responsible for the enslavement of the negro; that the negro was not brought to the South by any act of the southern white man; that he was imposed upon us, as in the case of Virginia, in the teeth of the southern man's protest. And I have said to them, "When our money had been paid for you and your ancestors, the act of these northern people was to take you away from us without returning to us our money." I have illustrated the matter to them in a homely way, by asking them whether it would be right that a horse they had bought, should, while he was well treated and serving them faithfully, be taken away from them. That illustration, together with the point that we were not responsible for the introduction of the negro among us, was sufficient to satisfy the negroes with whom I talked. They had sense enough to see the force of my argument, and they see it now.

Question. Do you think that thought made them happy during their condition of slavery?

Answer. Not at all. They did not think anything about it. They were happy because they were treated kindly; and I only meant to show that the negro never harbored the ill-will which it has been supposed he would naturally feel toward those who held him in slavery. If the negroes while slaves were whipped and cuffed, fed on cotton seed, and neglected and abused in every way, why did they not kill our families during the war, or when the Federal armies were marching through our midst, why did they not follow those armies? We never had any apprehension from the conduct of the negroes until unscrupulous men came among them and tried to stir up strife. But for such men we never would have had any trouble with the negro, and would not have any now. We can get along forever with the negro, loving him, and having him love us, if you will just take away these "carpet-baggers."

Question. Are you willing to swear that if the negroes differ from you in politics, if they take strong republican grounds in opposition to the democrats, you can get along peaceably with them in Georgia?

Answer. I am willing to swear until I am gray that the negroes and the white people can live together in Georgia peaceably and happily if they are not interfered with.

Question. In spite of political differences, such as divide the republican and the democratic party?

Answer. The political differences would not exist under the circumstances which I suppose. The negroes would be largely democratic if you would let them alone. I have spoken from the same platform as republican speakers to the negro population; I have said to them, "The tobacco you chew, the food you eat, is taxed just as much in proportion as mine is taxed." Not ten days ago a negro who voted against me for

governor, said to me in Atlanta, "I voted against you for governor; but I am now beginning to have some property in the State; I have bought a little house; and I am now going to vote with the people that have the property." That is the feeling in the State. The negroes are getting to feel that their labor is a part of the property of the State. I do know that the people of Georgia will vote the negro population whenever we are left to ourselves.

Question. Is it not your ground that if all the white men who are republicans were driven away, and if the negroes would all agree politically with the democrats, you could have peace in Georgia?

Answer. We certainly can if the negroes vote the democratic ticket, and we can if they vote the republican ticket. I venture to say that on my plantation there were not at the last election three of the fifty negroes who voted the democratic ticket; yet I could go there and sleep on that plantation, with no white person there but myself. They would gather around me and talk until 12 o'clock at night if I would stay up with them.

Question. Does that induce you to believe that they would vote the democratic ticket?

Answer. No, sir; I think they would vote that ticket as the effect of the arguments which have been used upon them.

Question. You said something about the negroes not being subjected to anything like terrorism. Have you not heard of a great many outrages in the last election, which to a great extent prevented negroes from voting?

Answer. No, sir. I do not know that such cases have not occurred, but I say I have never heard of any.

Question. I would like to call your attention to a few facts. Did you ever know of a place called Appling Court-House, Columbia County?

Answer. Yes, sir.

Question. Did you ever hear of any white democrats there, with knives and other weapons, driving away negroes from the polls when they were attempting to vote at the last election?

Answer. I never heard of it; it may have occurred.

Question. You were running for governor at that time?

Answer. No, sir; not at the last election.

Question. When did you run for governor?

Answer. When Governor Bullock was elected, two years ago.

Question. Did you never hear of any colored men being run away from the polls at that place by the use of dogs?

Answer. No, sir. I reckon that never occurred; I never heard of it. The location is in General Wright's neighborhood, a long way from Atlanta. It may have occurred; I do not know.

Question. Are you acquainted in Burke County?

Answer. Only very slightly; that is still further off.

Question. Do you know whether any negroes were run off from the polls in Burke County at the last election?

Answer. No, sir; I do not know that I ever heard of any.

Question. You never heard that more than twenty-five negroes in one gang were run off and not allowed to vote?

Answer. No, sir; I never heard of it.

Question. Did you ever hear that the republicans were intimidated so that on the second day of that election a large number of them staid away from the polls?

Answer. No, sir.

Question. Or after the second day?

Answer. No, sir; I never heard the particulars about the election in that portion of the State.

Question. Did you ever hear of men being shot at the election in Columbia County?

Answer. No, sir.

Question. You did not hear of negroes being intimidated by shots fired at them at the court-house, and driven away from the election?

Answer. I never heard of it; it may have occurred.

Question. Did you ever hear of white men beating colored men at that election, in Columbia County?

Answer. I do not think I ever did. I have heard general rumors about disturbances in that part of the State. I do not know whether they were at the election or some other time.

Question. Did you ever hear of a crowd getting around the polls at that election in Columbia County so that the republicans could not get up to vote?

Answer. I never heard anything about the election there, in any shape or form.

Question. You have heard of Sparta, Hancock County?

Answer. Yes, sir.

Question. Did you ever hear anything about disturbances at elections there?

Answer. Not at elections; I have heard of disturbances.

Question. At the last election?

Answer. No, sir.

Question. Did you ever hear of officers of the election being arrested and taken away from the polls, and not allowed to hold an election?

Answer. Yes, sir; I heard something of that. They were arrested, I believe, at the instance of Mr. Stephens, and were tried, I think.

Question. Did you hear that some fifteen hundred colored republicans were not allowed to vote at that election?

Answer. No, sir; I did not hear it.

Question. Did you hear that the democrats were armed there with more than one hundred guns, and intimidated the negroes?

Answer. No, sir; I did not hear anything about the matter, except what I have stated—that Judge Stephens had the managers of the election arrested for fraud. That is all I ever heard about it.

Question. Did you hear that they were not allowed to go back and hold the election, but were taken away?

Answer. No, sir; I never heard anything about that.

Question. Did you ever hear of a place called Louisville, Jefferson County?

Answer. Yes, sir.

Question. Did you hear of any disturbances at the election there, by which men in large numbers were not allowed to vote?

Answer. No, sir; and I do not believe it, either.

Question. Would you believe it upon the sworn evidence of witnesses?

Answer. It would depend upon what sort of witnesses they were; if they were reliable men I would believe it.

Question. If they were black men would you believe it?

Answer. Some black men I would believe and some I would not.

Question. What is the presumption in regard to black men telling the truth or not?

Answer. The presumption is that if a black man is not interested in any way in the matter in question, he will tell the truth.

Question. Is it the presumption that if he is interested he will swear to a lie?

Answer. No; I do not know that that presumption prevails at all; I would believe more readily a white man than a negro, if the white man were the more intelligent; but I would believe an intelligent negro, of good character, more readily than I would a white man who bore a bad character. The weight of testimony depends altogether on the character of the individual testifying. I think, as a rule, negroes are less scrupulous in giving testimony, because they are more ignorant; I do not think they are worse as a class than anybody else.

Question. Are you acquainted in Washington, Wilkes County?

Answer. Yes, sir.

Question. Did you hear of a riot which occurred there immediately before the election, and of intimidation of negroes so that they were in large numbers prevented from voting?

Answer. No, sir.

Question. Did you hear that they were prevented in any number from voting?

Answer. No, sir; the impression I had in regard to Wilkes was that the negroes did vote, and voted the democratic ticket; I think that Wilkes County polled as heavy a vote at that election as usual.

Question. Did you never hear that a large number of negroes were intimidated from voting the republican ticket?

Answer. No, sir.

Question. Did you not hear that there was a man killed there and another wounded?

Answer. No, sir; I never heard of anything of the sort.

Question. You have not heard of a man by the name of Harris being killed, and two men, whose names were Ratliffe and Washington, being wounded, at the depot a day or two before the election?

Answer. No, sir; it is probable it may have occurred without my knowledge; I never heard anything about it. As I said a while ago, I have been, since the election for governor, a good deal out of the State. In addition to what occurred within my own knowledge, I have merely the general impression that the election was very fair; I think Governor Bullock stated that it was as fair an election as ever occurred in Georgia.

Question. Do you or do you not say that the colored people of Georgia are capable of self-government, and ought to have the right of suffrage?

Answer. Well, sir, I would not take away the right of suffrage from them; if I had my way, I would favor a qualified suffrage for the negro.

Question. Would you allow those ignorant negroes on the coast to vote?

Answer. No, sir; I would not.

Question. How many would you exclude; what sort of a test would you apply?

Answer. I would have a test of some sort as to intelligence.

Question. What test would you apply to them?

Answer. I would not require them to read; but I would require as a test a certa amount of intelligence; I hardly know how I would get at a standard; I have ne thought on that subject.

Question. You have been testifying to-day in relation to the ignorance of those co negroes.

Answer. I say very emphatically that I would exclude those people.

Question. You could not exclude them by a geographical line?

Answer. No, sir.

Question. What test would you apply?

Answer. I would require them to have a certain amount of intelligence, which shou be decided in some way; I would not favor reading as a test, because if you requi that, you would exclude nearly all the negroes of Georgia, and a great many white m

Question. Would you favor a property qualification?

Answer. No, sir; I do not think I would; but I would test their intelligence in so way or other; there might be an examining board, or something of that kind.

Question. Is there any better test of intelligence than reading and writing?

Answer. No, sir; and I would very certainly bring them up to that position in tin but I would not require reading and writing as a qualification at present. Indeed do not know that I would vote at present to change the election law in Georgia at a When I speak of requiring some sort of qualification, I mean I would have it take effe some time in the future. I have never thought until this morning as to what kind a test should be required, and therefore I am not prepared to give a precise answer that point; but I can say that I would not vote to disfranchise the negroes in Georg as a class.

Question. You seemed a while ago to have made up your mind that it was very b policy to allow those ignorant negroes to vote.

Answer. No, sir; when I was speaking of those negroes on the coast I was not thi ing of that; I was simply showing the danger which might arise by allowing such a of people to be deluded and incited to mischief. My testimony on that point had reference to voting at all.

Question. Do you or do you not regard the admission of those negroes to suffrage a good thing, and one proper to be done?

Answer. Well, sir, I would not have permitted them to vote if I had had the say about it; I would have opposed it. I would not, however, exclude them now th they have got the right.

Question. Would you apply the same test to white men as to negroes?

Answer. I would have any law of Georgia on this subject apply equally to both rac My general impression—this is only a theory of my own—is that voting is too gene in this entire country. That is my conviction; I never expect, however, to advoc any law to carry out this general idea.

Question. What qualification would you require?

Answer. I do not know; I have not thought particularly about the question; bu think that republican government would be safer with fewer voters. I have that g eral idea, that it would be better to do something—I do not know what. It wo require a great deal of thought and deliberation to determine that question.

Question. You said something about jurors. Do you say that, as a general rule, whi and blacks serve together on juries in Georgia?

Answer. O, yes, sir.

Question. Do you know that to be a fact?

Answer. I have seen blacks and whites on juries together.

Question. How often?

Answer. I have never seen any juries often.

Question. Where did you ever see a black man on a jury?

Answer. I think I have seen them on juries in Atlanta.

Question. Are you sure of it?

Answer. No, sir; I am not.

Question. Do you not know it is the general practice in Georgia not to put color men on juries, on the ground that they do not come up to the test of intelligence a capacity required by the law?

Answer. I do not know what is the general practice there; I have very little know edge on that point, because I do not now practice law, and have not for ten or fifte years.

Question. You said something about rapes having been committed upon white wome by negroes. Do you mean to say that there are a large number of such rapes?

Answer. O, no, sir; but one case of rape by a negro upon a white woman was enoug to alarm the whole people of the State.

Question. Did you ever hear how the man was punished who committed that rape which you spoke?

Answer. No, sir.

Question. Did you never hear that he was caught and burned alive?

Answer. No, sir; I cannot even put my finger on the specific case. I was speaking simply of the general feeling in the State; I was accounting for the feeling of insecurity which we had; I was giving the impressions which were upon the minds of our people. I was not at that time trying to give specific facts.

Question. Did I understand you as saying that republicanism in Georgia consists in dishonesty, the creation of disturbance, and the commission of villainies of every sort?

Answer. I did not say that; I said these "carpet-baggers" did that.

Question. Are the "carpet-baggers" alone guilty of dishonesty and villainy and political scoundrelism?

Answer. O, no; I expect there are a great many thieves belonging to the democrats. I spoke of the general administration as one of robbery.

Question. You limit your testimony to that statement? You do not say that republicanism in Georgia means dishonesty, the creation of disturbances, and the perpetration of villainy?

Answer. I said that the "carpet-baggers" created disturbances in Georgia, but I said at the same time that there were some republicans in Georgia who opposed that as much as anybody.

Question. What disturbances have the "carpet-baggers" ever created?

Answer. They arrayed the two races against each other; the effect of their teachings did that.

Question. Do you believe that the negroes would not have voted the republican ticket but for those men?

Answer. I do.

Question. Do you say that they were so ignorant as not to know who had liberated them?

Answer. I say that when the white men returned home from the army and told them that they were free—that while they had not wanted them to be free, they would sustain them in their freedom—the negroes believed them to be honest, because they had never found them anything else.

Question. Did not the negroes know that they were free before the white men came back from the army after the surrender and told them of their freedom?

Answer. A large number did not, and hardly knew it when they were told.

Question. Do you suppose there are any of them there that do not know it yet?

Answer. No, sir; I suppose that every negro child in America knows now that he is free, if he is old enough to know anything.

Question. You think, then, they did not find it out for certain until you told them?

Answer. A great many did not.

Question. What proportion do you think found it out?

Answer. I should suppose probably a third of the negroes in the State—it may be not that many.

Question. Do you not know it to be a fact that ninety-nine out of every hundred of the negroes in this country are, in political feelings and principles, essentially republicans, and will never, under present circumstances, knowingly or willingly vote the democratic ticket?

Answer. No, sir; I believe that exactly the reverse is true. The carpet-baggers told them that if the democrats got in power they would put the negroes back into slavery; that is one way in which disturbance has been created. They told them, on the other hand, that if the republicans were put in power, they would give them forty acres of land.

Question. Did many of them believe that?

Answer. Lots of them believed it.

Question. Did you ever hear any carpet-bagger say that?

Answer. No, sir; but the negroes have said that they did tell them that. Four hundred out of every five hundred negroes will tell you that they were promised something of that sort.

Question. Do you think that the belief in that promise still retains the colored men in the republican ranks?

Answer. No, sir; I think that the bitterness inculcated by the carpet-baggers retains them.

Question. Did that promise create any bitterness against the democrats?

Answer. Certainly it did.

Question. Would it not be natural for the negroes to be bitter against the men who made that promise and failed to keep it?

Answer. I say that is one reason why we are now voting the negroes in Georgia. They are now falling away rapidly from the republicans on account of violated promises.

Question. How many have you voted?

Answer. We have voted a great many; in some counties we have voted a large majority of them. In Houston, where I think there are twenty-three hundred negroes, we voted, I believe, nearly two thousand of them when I was a candidate.

Question. How many of them were compelled to vote the democratic ticket, by intimidation?

Answer. None, I think. They were purchased by bacon and such things as that.

Question. They were hired to vote the democratic ticket?

Answer. Yes, sir; a great many of them were hired, if you call that hiring. I am speaking of the election when I was a candidate.

Question. Do you think that most of the negroes can be hired to vote the democratic ticket?

Answer. A great many of them can be hired; and I know a great many white men who can be bought in the same way.

Question. Do you not think it is easier to buy up black men than white men to vote he democratic ticket?

Answer. O, yes; I do. It is much easier to buy up an ignorant man than an intelligent man. I do not think the intelligent negro is more easily bought than the white man.

Question. You stated that the alienation between the whites and the negroes has been increased since the war. I want to know in what respect it has been increased?

Answer. I told you it was increased by these men of whom I spoke.

Question. How?

Answer. By telling the negroes that the democrats wanted to put them back into slavery. These carpet-baggers would say to the negroes, "We freed you in spite of the armies and power of these southern men, who, if they get you in their power again, will put you back into slavery." That is one way in which it was done. Again, the negroes would be talked to in this way: "Here is a man living in a fine house; he has large tracts of land; you have worked for him; your sweat has given him this property."

Question. Do you not think that the negroes understood very well that if the southern confederacy had succeeded they would have been kept in slavery?

Answer. There is no doubt about that; we tell them that every day. I have told them that a hundred times on the stump.

Question. And they believed that you were in favor of keeping them in slavery?

Answer. Yes, sir; but I have told them at the same time, "Now that you are free, I will defend you in your freedom as long as anybody." I say that to-day the people of Georgia would not vote the negro back into slavery, even if the United States Government were not in existence.

Question. Do the negroes feel grateful to the white democrats in that country for freeing them?

Answer. No, sir; they do not; but they feel grateful for the kindness that was shown them before they were free, and the kindness which has been shown them since. I venture to say that according to the amount of property in the community the negroes can raise more money in Georgia to build a school-house or a church than they can anywhere else in this country.

Question. Have you good churches for negroes?

Answer. A great many.

Question. How many negro churches are there in Atlanta?

Answer. A number of them—three or four, I think. Each denomination, probably, has a church.

Question. What is the size of these churches?

Answer. They are about as large as any other churches. They are not so fine, of course, as the white churches.

Question. About how much would the best negro churches cost?

Answer. I have no idea; I suppose from eight hundred to two thousand dollars, though that is only a matter of judgment. I am not a builder, and I cannot estimate such things. But they are very comfortable houses. I helped to build one in Decatur; I subscribed to it just before I left; I subscribed first to pay for the land. I live at the little town of Decatur, just outside of Atlanta; and I believe the white people of that settlement paid for the land entirely. I was then applied to for a subscription for the church building, to which I and almost everybody else in that community contributed.

Question. You testified in relation to a certain organization which you said was for the purpose of self-defense. Did you or did you not intend to say that, in the absence of troops, whole neighborhoods might have been slaughtered?

Answer. Yes, sir; it could have been done, I think.

Question. What neighborhood?

Answer. Anywhere in the negro belt of Georgia.

Question. Do you think that was a possibility in view of the disposition evinced by the negroes?

Answer. It was possible if they had the disposition; I am talking about the physical possibility.

Question. Are you willing to swear that the negroes in any portion of Georgia were

so ruthless and cruel that they would have risen up and slaughtered whole neighborhoods of white people?

Answer. I know, as I have stated again and again, that they would not do anything of the kind if they were not instigated by bad white people. But there was no telling what an ignorant population could be made to do by men who were perfectly unscrupulous. That was the apprehension.

Question. Please specify the neighborhoods in Georgia where the negroes could have been so instigated by white men.

Answer. I would say the whole of Southwest Georgia, to begin with—every county from Macon down.

Question. What class of barbarities could they have been made to perpetrate at the instigation of the carpet-baggers?

Answer. I do not think they could be made to perpetrate any now, for I think they have grown into better sense.

Question, You said that they could have been, at some time.

Answer. I said the apprehension was that they might be instigated to this thing. I never believed that the negro, left to himself, had any disposition of that sort. On the contrary, I have stated from the beginning to the end of my testimony, and I will state it now again, that the negro in Georgia, if left to himself, would have had the most kindly feelings toward his old master, from the day he was emancipated to the present time. And that kind feeling will continue forever, if these bad men are removed from them.

Question. I understood you to give it as your opinion that whole neighborhoods might have been slaughtered but for the troops.

Answer. I say still that it was a physical possibility; and it was a moral possibility, in view of the instigations of these bad men; and nothing in the world but the kindly feeling these negroes entertained for their old masters prevented that sort of thing. If the sort of teachings given to these people in Georgia had been carried out to their legitimate results, the negroes would have slaughtered whole neighborhoods.

Question. What prevented these teachings from being carried out to their legitimate results?

Answer. The kindly relations that existed between the two races, and the forbearance of the white men.

Question. In view of what you have just said, are you willing to say that there was any reasonable ground for apprehension on the part of the white people?

Answer. I say there was reasonable ground for apprehension. There is reasonable ground for apprehension in one of these factories at the North, if a man goes there who has been instrumental in doing a vast deal of good to a poor class of people, and if he undertakes to use for improper purposes his influence over them, and to instigate them to acts of violence by citing the fact that they have been badly treated. In that way people of that class may be excited to do a vast deal of harm to any neighborhood; and I do not think any sensible man would ever take any other view.

Question. You say that upon that apprehension of danger this organization was founded?

Answer. Yes, sir; I do.

Question. In what year was it founded?

Answer. I do not know; I think it was in 1867 or 1868, or along there; it may have been in 1866.

Question. Did I understand you to say that it prevailed over the whole State?

Answer. No, sir; I supposed it did; I did not know whether it did or not.

Question. What office did you hold in it, if any?

Answer. I did not hold any office. I was spoken to in regard to holding an office, but I never held any. The organization never was perfected, as I have already stated.

Question. In regard to holding what office were you spoken to?

Answer. I do not know that it is necessary to answer that question unless you insist upon it.

Question. I insist upon an answer.

Answer. I was spoken to as the chief of the State. I said very emphatically that upon that line I could be called on if it was necessary. But the organization never was perfected, and I never heard anything more about it after that time.

Question. How did that organization propose to punish offenders?

Answer. I never heard anything about any punishment at all.

Question. What did you propose to do—to act on the defensive?

Answer. Do you mean in resisting aggression?

Question. Yes, sir.

Answer. Entirely so.

Question. Suppose the black men had committed an outrage on the white people, what did you propose to do?

Answer. We had no programme or definite line of policy, except for defense.

Question. Did you not propose to do something with offenders or violators of law?

Answer. It was not with individuals we were dealing; what we apprehended was a general uprising of the negroes, and a collision of the two races. We had no programme whatever with reference to individuals. I never heard of any such thing.

Question. Do you know of any men who organized in bands of any number?

Answer. No, sir; I do not; I never made any inquiry. The occasion I have mentioned is the only time I was ever approached on the subject. I never heard anything more about it until I talked with General Colquitte the other day.

Question. Have you given all the names you can in connection with this organization?

Answer. I have given the names of all those who know anything about it, I think.

Question. I would like to have the names of some other persons in different counties. Do you know whether Mr. Toombs belongs to it?

Answer. I do not know.

Question. Mr. Stephens?

Answer. I do not think so.

Question. Mr. Du Bose?

Answer. I do not know.

Question. Do you know whether Judge Wright belongs to it?

Answer. I do not know; I suppose he would tell you. I never heard of him in connection with it. I do not know that General Colquitte belongs to it; but I inferred from the conversation I had with him that he knew just about what I knew in regard to it. That was the reason why I gave you his name.

Question. When you surrendered, did you not think you had been guilty of rebellion and treason?

Answer. No, sir; I never had any such idea.

Question. Did you not think that you were amenable to the law?

Answer. No, sir; not a bit of it.

Question. As a matter of fact, did not the people of the South understand that they had been guilty of rebellion and treason, and were amenable to the law?

Answer. No, sir.

Question. That was not the impression on the public mind of the South?

Answer. Not a bit of it. I do not believe there was an intelligent man in the South who believed then, or believes to-day, that he was guilty of treason, or anything that smacked of treason.

Question. Do you say they had no apprehension of being punished?

Answer. Not until after the programme was set up here to punish them.

Question. As a fact, do you not think that the people down there regarded their immunity from trial and punishment, the restoration of their property, and their protection under the law, as manifestations of great clemency on the part of the Government to men who had been fighting four years to destroy it?

Answer. No, sir; I do not think so. As I said a while ago, there was a feeling of relief when it was decided that the Government would not proceed as was indicated at one time by President Johnson. But I want to say that the people of the South, while they acquiesced entirely in the abolition of slavery, and while they would not restore it to-day—(not one man in a hundred, or five hundred, or a thousand, as I believe, would vote for its restoration)—while that is true, they have felt that there was a marked distinction between the position of this Government in freeing the negroes and turning them loose upon the country and the position of Napoleon Bonaparte when he refused to turn loose the serfs of Russia in order to gain conquest. They thought, if the negroes were to be free, it would have been better to have adopted a programme of gradual emancipation. In that they would have acquiesced readily.

Question. You said something about the treatment extended to the rebel soldiers at Appomattox. As a fact, was there not surprise on their part that they were treated so well by our forces?

Answer. O, yes, sir; I stated that.

Question. Had there not been a general impression through the South that these northern soldiers were a cruel, ruthless, and unprincipled set of fellows, who would perpetrate all sorts of outrages?

Answer. I do not think there was any such impression with regard to the soldiery as a class; there was a feeling that there were men who followed the army, and who were not by any means the highest type of soldiers, who would be guilty of all sorts of violence. Those were the men in regard to whom apprehension was felt. But the southern people never apprehended any great violence at the hands of the army.

Question. In view of all these facts, are you not ready to say to-day that there was a very serious misapprehension in the minds of the southern people as to the character, intentions, and wishes of those who stood by the Union?

Answer. Misapprehension in what respect?

Question. As to their supposed desire to injure and destroy the people of the South.

Answer. During the continuance of the war there was a feeling of that sort. There was a vast deal of bitterness; and I apprehend it existed on both sides. There cannot

be a great war without much bitterness on both sides. The misstatements and misapprehensions naturally arising on the part of both armies, create antagonism.

Question. Was there not an agreeable surprise in that respect on the part of the soldiers who surrendered?

Answer. That fact does not need to be drawn out by cross-examination. I stated emphatically in my direct testimony that we were agreeably surprised.

Question. Was the feeling anything more than that of agreeable surprise?

Answer. I have said in a dozen public speeches, which are on record, that the course of the Federal Army toward the confederates was not only magnanimous and generous, but even deferential.

Question. That being the case, you say as a matter of fact that there was in the conditions of surrender an understanding, either expressed or implied, that the soldiers of the rebel army should go home, and that they and all the southern people should be restored at once to all civil and political rights, the same as if no war had taken place?

Answer. We did not hinge our belief on that fact alone.

Question. Were you deceived by the kind and gentlemanly treatment extended to you by the Union soldiers? Were you, by their conduct, led to do anything that you would not otherwise have done?

Answer. I do not understand the question.

Question. Do you and your people think that the Government has been guilty of perfidy and bad faith?

Answer. The Army was not.

Question. Was the Government?

Answer. I will tell you what we think about that. We think that if the soldiers on both sides had been allowed to settle this difficulty, there would be good feeling in this country to-day. We think it is the men who were not in the army who have instigated the bad faith.

Question. On what do you base that belief?

Answer. On the measures prosecuted against us since the war—disfranchisement, &c.

Question. What reason have you to believe that the soldiers of the Union do not approve the measures of reconstruction?

Answer. I think it is possible that many of them do; but our belief is, that those who do approve of that sort of thing have been led to take a different course from what they naturally would; that their sentiments have been perverted since they left the army. That is the feeling now in the South. It may be a mistake. The other day, in a speech at Memphis, Tennessee, when there were on the stand a large number of confederate soldiers, and a number of the first men in the country, I declared that if the sentiments of the Federal Army had been as potential at home in peace as had been their arms in war, we would long since have seen the end of this trouble. I believe that to-day; and I do not want to believe anything else. I believe that if it had not been for men who were not in the army at all, we would long since have gotten rid of this trouble in the country, and there would have been none of the present bitterness and alienation.

Question. As a citizen of this free American republic, are you willing to affirm the proposition that the armies that may have been arrayed against each other in civil strife should settle all questions of policy arising out of the war; or do you think that it is better to settle such questions by legislation?

Answer. I am not speaking of the propriety of such a mode of settlement in general; I am only illustrating what I understand to be the sentiment of the Army as contrasted with that of the men who were not in the Army.

Question. You make that the basis and groundwork of this disaffection toward the Government?

Answer. I do most assuredly; but I say that if the parties who had the right under the Constitution to settle these questions had pursued the liberal line which was indicated to us at Appomattox Court-House, we would have long since have ceased to have any trouble, turmoil, or turbulence in this country. That is the conviction of our people to-day.

Question. Do you believe that if that had been done your people would generally have joined the republican party or accorded with the action of that party?

Answer. No, sir; I do not.

Question. What do you mean, then, by saying that you would have peace and harmony?

Answer. I believe that if the South had been restored to the Union, her State governments recognized, her people left enfranchised as they were, we would have had none of the ill feeling that now exists.

Question. Do you say that, because of those things, these outrages are now perpetrated upon negroes?

Answer. No, sir; that matter has nothing to do with the outrages; I have never said anything of the sort. I do not know anything about any outrages; I am talking about the feeling that is entertained.

Question. I want to know how these feelings which you speak of as having been created are evinced.

Answer. There is no evincing of them; I am simply talking about the feelings entertained among our people. They are not evinced at all. Our people are a law-abiding people; and while they may not like the way things are going on, they are not going to try to set them right by violence.

Question. You speak of your people as a law-abiding people; have you heard of any outrages in your State by disguised men?

Answer. I have heard of them; but I do not know anything about them.

Question. Do you believe that they have been committed in large numbers recently?

Answer. I have no doubt at all that outrages have been committed by disguised men; I believe the fact as I would believe anything else from public report.

Question. Do you, then, continue to say, as you have said heretofore in your testimony, that everything is peaceable and lovely in Georgia?

Answer. I say that there are as few disturbances in Georgia as in any State of the Union.

Question. Suppose that in a single State there should be within a year as many as twenty-five cases of outrages perpetrated upon citizens by disguised men, with nobody punished for the offenses, and no legal means taken to punish the offenders; would you say that such a State would be in a condition of order and quietude?

Answer. I expect there have been five hundred outrages in New York in the same time.

Question. By disguised men?

Answer. I do not know whether there have been any disguised men there; but I have no doubt that disguised men would be punished as quickly in Georgia as anywhere in the world, if they could be captured. And I do not believe that any such offences in our State have gone unpunished by any connivance of our people.

Question. You are swearing to a state of law and order and peace in Georgia——

Answer. I am emphatically.

Question. And I call your attention to the proclamation of Governor Bullock, in which he cites twenty-five cases of some of the most outrageous and diabolical crimes, and offers rewards for the arrest of the criminals. I want to know whether, in view of that fact, you are willing to say under oath that there is in Georgia a state of order and good administration of law?

Answer. In the first place, I do not believe that one-half of those alleged outrages were perpetrated; and of those that were committed I believe a large proportion were perpetrated by members of Governor Bullock's own party. I state a fact which I believe as firmly as I do my own existence, when I say that a very large proportion of the outrages committed in Georgia have been committed by that party for the sole purpose making a political advertisement.

Question. Do you refer to outrages perpetrated by disguised men?

Answer. I do. I believe that a large proportion of them have been perpetrated by disguised men for the purpose of making political capital at Washington; I have no more doubt about it than I have of anything in the world. I know the sentiments of my people, and I know that they are as much opposed to any outrages of that sort as any people in your State or anywhere else. Any man—I do not care who he is, I do not care how offensive he or his sentiments may be to our people, or how bitterly he may have denounced our people—can travel in every nook and corner in the State of Georgia with as perfect safety as you can travel from here to New York.

Question. On whom have these outrages been perpetrated as a general thing? Have they not usually been perperated on colored men?

Answer. In some instances they have. In some cases colored men have perpetrated them upon colored men.

Question. Have they not been perpetrated upon republicans?

Answer. Yes, sir; and by republicans too.

Question. In how many instances by republicans?

Answer. I do not know; I only know of some cases of that kind. I believe that the case in Columbus was perpetrated by republicans.

Question. Do you believe the same as to any other case?

Answer. I think that the killing of Adkins was perpetrated by parties who had no political animosities at all against the man; I mean nothing of that kind was the moving cause; I do not know whether it may not have had some influence in the matter. But I believe the moving cause of his death was purely a personal matter; a matter of general report down there in that neighborhood.

By Mr. BUCKLEY:

Question. You spoke generally of the plantations upon the coast, the negroes there, and their excessive ignorance. I wish to ask you whether there is any special cause for that excessive ignorance?

Answer. I think it arises from the fact that they have been brought up with scarcely any contact with the whites, as very few whites lived at all upon those plantations.

Question. Those rice plantations were regarded as unhealthy and malarious?

Answer. Yes, sir. As to the peculiar dialect of those negroes, I think it is a remnant of their old barbarism.

Question. And you think it clings to them because they have not had it rubbed off, as it were, by contact with the whites?

Answer. Yes, sir.

Question. Are there any schools in that section of the State?

Answer. Yes, sir; they are improving in that respect. One of the first schools in that section was built with lumber from my mills.

Question. You spoke of the kindly feeling existing between the races during the war. What change took place between the relations of the races immediately after the close of the war, and before the reconstruction acts were passed?

Answer. The change was a gradual one. At first the old relations did not seem to be disturbed. In a great many places the old hands continued to work upon the plantations, as many do up to this day. When the negroes began to realize the fact of their freedom, there was a change, a disposition to migrate about, to go from one State to another. In that way there was a good deal of disturbance of the labor of the country, but no disturbance of the peace.

Question. They behaved very well for the first year and a half or two years after the war?

Answer. Yes, sir; they behaved first-rate; their conduct was generally commended by our people. They did not work very well. There was a disposition to hunt and use firearms, and all that sort of thing; but it did not amount to a very great deal. They have been improving, I think. They have been improving in labor. Certainly they improved up to the introduction of this element I have been speaking of.

Question. About what time did that disturbing element appear in its greatest force?

Answer. I think not until the elections came on. I do not think that it manifested itself until the elections took place for our convention. My recollection is that the election for the convention took place in 1867, and the meeting of the convention in 1868.

Question. That was about the time that the disturbing element seemed to exert its greatest force?

Answer. Yes, sir.

Question. About what time did the Leagues appear in your State?

Answer. Prior to that, I think—a little before those first elections. I have no positive knowledge, mark you, on that subject; I only give the general impression.

Question. You think, however, that it was after the passage of the reconstruction act of March 2, 1867?

Answer. I reckon it was; I rather think so. I am not clear on that point.

Question. You think the Leagues disappeared about two years ago?

Answer. I have not heard anything about them since.

Question. About what time did the organization of which you have spoken as designed for defensive purposes make its appearance?

Answer. It was subsequent to the appearance of the Leagues, and subsequent to the beginning of the elections; I think it was in 1868.

Question. What disturbing effect did the expulsion of the negroes from the legislature have upon the relation of the two races in Georgia?

Answer. I think it had an injurious effect.

Question. Upon both races?

Answer. Well, I think it made a bad impression on the negroes at the time; but it has since been explained as being in accordance with the position taken by the leading republicans in the State. The question was a constitutional one entirely. I think its effect was altogether temporary, and did not amount to anything serious.

Question. Do you think that the negroes looked upon that at first as a deprivation of a right?

Answer. I think they did.

Question. And therefore it would have a tendency to array them somewhat against the white element?

Answer. There is no doubt about that.

Question. You have contrasted the policy of the Government in its military action with the action of Congress in the reconstruction policy. How did your people regard the reconstruction acts? Did they look upon them as hostile toward them—as evincing a disposition on the part of the Government to debase the southern people and deprive them of their rights?

Answer. Well, I may say, with all candor, that they did construe the fourteenth amendment as an effort to humiliate them. That was the impression in the South, and that was really the cause of more feeling than anything else. They thought it was an effort to humiliate men who ought to be regarded as honorable.

Question. I speak more particularly of the reconstruction policy, which conferred suffrage upon the negro. How did your people regard that?

Answer. They were very much opposed to it. They thought it bad policy to admit the negroes at once to the exercise of suffrage.

Question. In speaking of the qualifications of voters, you said that if the question had been left to you, you would not have conferred suffrage upon the blacks at that time?

Answer. No, sir.

Question. Would you have made color a disqualification at that time?

Answer. I would most certainly. Not on account of color, but on account of the colored voters' want of qualification.

Question. You would have limited the disqualification to the colored people, or would you have included the whites?

Answer. I would have limited it at that time to the colored people, because the whites were already enfranchised. I would not have disfranchised any of the white race; but I would not have introduced the black race at that time to the exercise of suffrage.

Question. What effect had the reconstruction acts upon the negro mind in your State?

Answer. I think they inclined the negroes favorably toward the republican party.

Question. The negroes looked upon those acts with favor?

Answer. Yes, sir; I think that as a class they did.

Question. And the white people rather looked upon them with disfavor?

Answer. A great many of the negroes did not care a picayune about voting for a long time.

Question. But in general they looked upon what was known as the Sherman bill with favor?

Answer. Yes, sir; though I do not think they knew much about it.

Question. And the white people looked upon the measure with disfavor?

Answer. That is true.

Question. Do you not think that right there was a cause of alienation and bad feeling to some extent between the races?

Answer. I think that had something to do with it; but I do not think it was comparable to the direct efforts of which I have spoken.

Question. Without that condition of things, do you think the disturbing element of which you spoke would have had the effect complained of, considering the comparative fewness of those "carpet-baggers" in your State, who, I suppose, did not number more than a thousand or two thousand?

Answer. Well, I ought to have said a while ago that I include in this disturbing element not only the "carpet-baggers," but some of our own people; I ought to have added that.

Question. In view of the condition of things we have just been considering—the fact that the white people generally opposed the reconstruction acts, while the colored people accepted them with favor—do you think it would have been possible for any small body of northern men, or others, to have created all the disturbance of which you speak?

Answer. Not all. I think they could have created a great deal of it.

Question. But in view of the action of Congress, you think they had more power to operate?

Answer. There is no question about that.

Question. I have noticed that in your testimony you seem to attribute, as others have done, the largest amount of this disturbing influence to a few men. They must have been very potent to have created all the disturbance which you attribute to them.

Answer. They are.

Question. But you think the necessary condition existed in the acts of the Government, which acts you were opposing?

Answer. Precisely. Those men exercised an additional potency from the fact that we had opposed the emancipation of the slaves, and that they belonged to the party which had emancipated them.

Question. Did not the fact that you opposed the voting of the negroes have a great deal to do with it?

Answer. O, yes; a great deal. The distinction I draw is that these efforts consisted, not in legitimate arguments to convince the judgment of the negroes, but such teachings as were calculated to instill into their minds hatred of the white race. We do not complain of an appeal to the negroes' sense; for we have all discussed political questions with them throughout the State, in public assemblages. What we complain of is the style of appeal which has been made to the negro, and the evident creation in his mind or heart of animosity. We did not object to arguments designed to convince the negro's judgment.

Question. How many men in your State do you think are disqualified from holding office by the fourteenth amendment?

Answer. There is an immense number; I cannot make an estimate; I should say ere would be fifteen or twenty thousand—twenty thousand, I reckon; that is merely ness, of course.
Question. Do not the republicans of your State generally favor the removal of disa- ities?
Answer. All of them do, so far as I know; I do not know of anybody in the State o opposes such a measure. Without knowing from actual conversation the opin- s of leading republicans in the State, with the exception of a few with whom I have versed, (Governor Brown among others,) my impression is that all the members of t party are in favor of the removal of disabilities.
Question. You spoke of the receipts of the State road. I wish to inquire whether se receipts have not been diminished very much recently by the fact that very im- tant competing lines have been opened within the last two years?
Answer. No, sir; I think not.
Question. What would be the effect, upon the State road, of the opening of the road m Cleveland to Dalton, Rome, and Selma, tapping the other road at Dalton?
Answer. That road has only recently been completed.
Question. It has been in operation nearly a year.
Answer. That will reduce the travel on the State road very considerably; but it will ve very little effect upon the freights, from which are derived the heaviest receipts the road. The principal receipts of the road are on freights from the West; and these ve been exceedingly large during the administration of the republican party in orgia.
Question. But have not your freights to a great extent passed through Atlanta and wn into Alabama?
Answer. Yes, sir; but you must recollect that this party has been in power since 1868; d the road of which you speak was only completed last year, so that it has had no ect upon the general receipts of the road, except within the last few months.
Question. There has been some testimony in regard to the election at which you were candidate. Is it your opinion that that was a fair election?
Answer. No, sir; I do not think it was. I think the election was fairer than the reg- ration which preceded the election. I think the election in the main was as fair as ctions usually are. I do not think any elections are perfectly fair. I never saw an ction where there was not buying of votes. I believe that is done everywhere in is country.
Question. Do you think that by a fair count you were really elected by six or eight ousand majority?
Answer. Well, sir, that is a matter of some delicacy with me, and you must pardon for not speaking upon it specifically. I will say that some votes were changed er the election returns were made out.
Question. What do you think in regard to the fairness of the count?
Answer. The count was entirely in their hands; we knew nothing about it.

By Mr. BECK:

Question. As Mr. Buckley has asked you a question in regard to whether in your inion you were fairly elected, I think I must insist that the question be answered. seems to me a perfectly proper question.
Answer. Well, in my opinion, I was elected by the fair votes of the State.
Question. By how much majority?
Answer. I think by several thousand.
Question. Do you think that in counting out the votes, you were deprived of six or ght thousand votes?
Answer. I think I was deprived of a great many votes before the returns were sent Atlanta at all; I know of a large number of cases where I was deprived of votes in at way. There was an effort made to have the thing corrected in various counties— arly every county of the State; but nothing could be accomplished. We could not t at the votes; the ballot-boxes were entirely in the hands of the other party, and ere kept by them. We had, I believe, evidence from their own managers of the bal- -boxes that numbers of votes were taken out after the election was over and either anged or destroyed by the managers of the election. I think we had testimony to at effect in Savannah. In one case—and I remember an effort was made to have e thing corrected—a number of votes were changed after the votes were counted, e returns made out, and I believe sent to Atlanta.

By Mr. BUCKLEY:

Question. Who made out the returns at the capital?
Answer. The returns in the different counties were made out by commissioners in e counties, and were sent to Mr. Hurlburt, at the capital, who was the general anipulator of that sort of thing.
Queston. Do you think Mr. Hurlburt manipulated the returns?

Answer. I hope you will not press that question. I feel free, however, to speak of the returns from the counties. I was about to mention one particular case (and there were many similar cases) where the county had gone for me and the other democratic candidates, and the votes were allowed to be changed after they had all been counted, upon the affidavit of parties that their votes were intended for the other candidate. I went to the authorities and said, "I can get fifty thousand votes of that sort very quickly. If you are going to change the votes actually cast on the strength of affidavits taken afterward, I can go and buy up any number of votes all over the country."

Question. Did you not think it worth while to contest the result of the election?

Answer. I did not, because (I hardly expect people to believe me when I say so) I did not want the office, though I did contest the matter to some little extent. I did not think the effort would have amounted to anything, nor did our people think so.

By Mr. BECK:

Question. Reference has been made in your testimony to the fact of the legislature of Georgia being twice manipulated, once, as it is charged, by the democrats in excluding the negroes, and the second time by General Terry. I desire to ask you whether or not many of the leading republican lawyers of the State did not construe your code to exclude the colored man from office?

Answer. The question depended upon the provision of the constitution in adopting the code; both were construed in this matter; and Governor Brown, who is now the chief justice of Georgia, and who is considered one of the best lawyers we ever had, took the position emphatically all over the State that the negroes could not hold office; and I believe that the best lawyers of his party agreed with him.

By Mr. BUCKLEY:

Question. Was that question submitted to him and his court?

Answer. No, sir.

Question. Was it not subsequently submitted?

Answer. I believe it was; but Governor Brown in his canvass, which was prior to any action of the legislature, and prior to any judicial decision, took that ground.

By Mr. BECK:

Question. Do you remember whether or not some of the republicans in the legislature agreed with the democrats in the view that negroes were not eligible to hold office, and so voted?

Answer. O, yes.

Question. Some of the leading republican members construed the law in that way?

Answer. Yes, sir.

Question. Do you remember that the legislature of Georgia passed, immediately after the decision of that question, the following resolution?

"Whereas it is believed that a judicial decision of the question of the colored man's right to hold office in Georgia under the constitution now in force would restore the State to her proper position in the Union, and give quiet throughout the State; and whereas said question is one which the courts of the State can properly take cognizance of; and whereas we, the representatives of the people of Georgia, are unwilling that any effort should be spared on our part to bring about a state of peace and happiness to the people and a settlement of that important question,

"*Be it therefore resolved by the senate and house of representatives of Georgia in general assembly convened,* That a case, involving the right of the colored man to hold office, shall, as soon as the same can be properly brought before the supreme court of the State, be heard and determined by said court; and we believe that the people of the State will, as they have heretofore always done, in good faith abide the decision of the highest judicial tribunal of the State whenever so declared."

Answer. That resolution was introduced by a democratic member and passed by the democrats.

Question. Was it not vetoed by Governor Bullock?

Answer. It was vetoed by the governor.

Question. Was it not also shown there that General Grant himself had instructed Mr. Tift, then a member of Congress from Georgia, to send the following dispatch?

"In conversation with General Grant, I learn that he thinks it will be best to pass joint resolution, referring the right of colored citizens to hold office to the courts, and adjourn."

Answer. That telegram from Mr. Tift was shown me in Atlanta.

Question. Was it not in part in General Grant's handwriting?

Answer. I do not know about that. I believe I was one of the parties it was sent to.

Question. When the question was tried by the supreme court, the majority of the court, two out of three, decided that the negroes were entitled to hold office?

Answer. Yes, sir.

Question. Had not your governor power to call the legislature together at any time after that decision, in order that the colored members might take their seats?

Answer. Yes, sir.

Question. And did he not decline to do so?

Answer. Yes, sir.

Question. He applied to Congress instead, for more reconstruction?

Answer. Yes, sir.

Question. And there your difficulties began in regard to General Terry?

Answer. Yes, sir.

Question. You speak of the complaints and disaffection which have grown out of the acts of the Government of the United States; you mean the Government as administered by the republican party?

Answer. That is what I mean; I mean the administration.

By the CHAIRMAN, (Mr. POOL:)

Question. Did your supreme court ever decide finally that colored men were entitled to hold office?

Answer. Yes, sir; that decision was made, two judges affirming the right of the colored man, and one denying it. So that it was a debatable question; there is no doubt about that. It was a question upon which political parties were not arrayed. In each party there were different opinions on the subject. This decision of the court was the result of an honest effort to obtain an authoritative construction of the law.

Question. The question is settled now?

Answer. O, yes, sir; there is no longer any question about it, and no disturbance. The democrats themselves introduced into the legislature the resolution to bring the question before the supreme court, and passed that resolution, which was afterward vetoed by the governor.

Question. What was Governor Bullock's majority?

Answer. I think it was seven or eight thousand.

TESTIMONY TAKEN BY THE SUB-COMMITTEE.

GEORGIA.

ATLANTA, GEORGIA, *October* 20, 1871.

M. V. BRAND sworn and examined.

By the CHAIRMAN, (Mr. MAYNARD:)

Question. Will you please state your age, nativity, residence, and occupation?

Answer. I am about thirty-four years of age; I was born in Walton County, in this State, and now live in Gwinnett County, and I am the sheriff of that county.

Question. How long have you been sheriff of Gwinnett County?

Answer. I was elected sheriff about the 24th of last December; my commission does not date back quite that far. I was deputy sheriff for a year before that time.

Question. State whether you know of any acts of lawlessness or violence attributed to organizations or bands of disguised men.

Answer. I suppose you want from me a statement of what I have seen myself; I can not state that I know any at all, of my own knowledge.

Question. Do you know of any injury or mischief being done that is attributed to such an organization?

Answer. Yes, sir; I know of some mistreating of people, and such as that. We lost our court-house on the night of the 10th of September last, I think, and all our records were burned up. There was a party of men there about 11 o'clock at night. I heard them when they started off on horseback, shooting their pistols. I live not far from the court-house. And in a few minutes after they started off the court-house was on fire, and of course we supposed that some of that party must have set it on fire. We do not know these things, though; we have never run it down to that point.

Question. You say the court-house was burned?

Answer. Yes, sir; the court-house and all the records were burned up, except a few old books of the ordinary. We did not get a book or paper out of the clerk's office; not a paper.

Question. How many persons were there?

Answer. On horseback?

Question. Yes, sir.

Answer. There were tracks of six horses, that we saw.

Question. Have any efforts been made to ferret out the perpetrators?

Answer. Very little. About the time the court-house was burned down I summoned a party of men to be ready at daylight to go with me and follow these men. The court was to sit that morning, and my object in starting early was to get upon the tracks of these men before they were obliterated by people coming to town. I could get but one man to go with me. I arrested some of the parties afterwards, but they were turned loose on *habeas corpus*. They could not tell whether they were guilty or not. About the end of the tracks I found three men and their horses. I could not track them any farther than that. Before that they had split; three took the left-hand road, and three the right-hand; and I kept on the right-hand track. I got a party of men to go round after the others, and they said they tracked them awhile and got back into the same road where I was. I found three men and three horses. They looked as if they had been ridden pretty hard, for one of the shoes of the horses was off, and there were fresh holes in the hoof. The men were badly scared, so they acknowledged to me; they said they had been playing cards, and thought I was after them for that crime.

Question. Did you find any disguises?

Answer. No, sir; I did not hunt for any that morning. I had but one man with me, and there were three of these men, and a neighbor with them, who made four. I did not make any search because I was not strong enough.

Question. Did you ever find any disguises?

Answer. Only some horse-covers; and I did not find them myself. They were at Mr. Spencer's house the same night they burned the court-house, and ordered him to come out of doors, but he would not go. That night when they split off they went off in a hurry, and he found two covers in the morning. And a man of the name of Fowler, who lives on the road going by Mr. Spencer's, found a horse-cover.

Question. What was the character of those covers?

Answer. Nothing but white homespun, just made sort of to fit the horse.

Question. You spoke of persons having been mistreated or injured?

Answer. Yes, sir; a great many in our county, that is, black people, not many whites. I am engaged also in selling some groceries, and I have a clerk at my house. I reckon I had better tell you that, so that you can understand how it is. There were some parties in our town indicted for card-playing, and my clerk and a man by the name of Bates, and a man of the name of Williams, were witnesses against them. They all got letters, signed by this Klan, ordering them to leave the State at once, or they would meet with severe consequences. I forget the name the letters were signed by; I think, though, it was "Fourth division." They have their divisions, and these folks down there belong to the fourth division.

Question. How long has this organization, known as the Ku-Klux, been reputed to be in existence in your region or neighborhood?

Answer. Well, sir, last year; and I reckon there was a little of it done the year before; the most of it has been done last year and this year; the worst part of it this year. They get worse all the time, get stronger. I had a man summoned here yesterday, but he was dismissed by the district attorney, through a mistake, I reckon. The reason I summoned him is this: they have a way of swearing their members in; they have two graves, or two caves, or something of that kind, and in those caves they have coffins—regular coffins. They meet there on the river, on a hilly place; there are two of these places, about six miles apart; one of them is just about on the line of the county, whether in Walton County or Gwinnett County I do not know. One is in Gwinnett County, I know, and you can tell from the marks of the horses about there that a great many meet there at night. The opinion of the people is, that a great many are sworn in over these coffins. I had a man summoned here who went and examined the caves, and the coffins, and who saw them himself; I have never seen them myself; he was dismissed by mistake, I suppose. A great many others have done the same thing as well as he; they had him here and intended to use him as a witness before this committee.

Question. You spoke of their growing worse of late. What do you mean by that?

Answer. They get more of them; they ride more. About the time our court-house was burned we heard of their riding almost every night in the week, going over the county and mistreating people, some whites.

Question. How, mistreating people?

Answer. Whipping them.

Question. How many persons have been whipped?

Answer. I cannot tell you how many; several black ones. I do not know whether any whites have been whipped or not; a great many have been threatened, have received notices to leave. I do not remember right now if any whites in our county have been mistreated. Mr. Holliday, a white man, has been mistreated a time or two by them. He lives just over the line, but a part of his property is in our county. Mr. Spencer has been threatened by them a great many times; he has seen them, and they have threatened to burn his house up and burn him up too if he did not move off and hush talking. He is a justice of the peace, and no fault can be found with him, except that they do not like him; may be for his politics, or something of that sort; his neighbors cannot find any fault with him; he is a nice man.

Question. How is it with the people who have been mistreated? Do they belong to both political parties, or only to one?

Answer. They generally belong to one.

Question. Which one?

Answer. The republican party generally; I have never heard of a so-called democrat being mistreated by them; I do not think I have. I hear flying reports every day that I shall be taken out and hung.

Question. How do those reports get to you?

Answer. I could never get them started at the foundation; they come around in some kind of style through the country; I cannot run them down, though I have tried to see where they started, but I never could find out. We used to have a signal corps, as we call it, here during the war; and we down there call this the signal corps; there are a great many in our town who favor this Klan, and they keep all the Klans below us posted about everything. They get to know everything that is going, and we call them the signal corps.

Question. You say there are a great many there who favor the Klan?

Answer. Yes, sir.

Question. What reason have you for saying that?

Answer. Because they get so mad with everybody who has anything to do with trying to break it down. They are mad enough to cut my throat now because I am an officer trying to break down this thing.

Question. Do they justify the Klan?

Answer. Yes, sir. As long as I have gone so far I will give you the name of one now. There is a preacher and lawyer there—James P. Simmons; we liked to have had a very

bad difficulty over it. He accused me of running down the Ku-Klux. He said the Ku-Klux were better than any man who passed the law or tried to execute the law—meaning the Ku-Klux bill of Congress. That got me mad, and I spoke pretty short, I reckon; and I said he was one of the sort who were in favor of burning the court-house. That made him mad, of course. He denied it, and we had some few words. He is a large landholder, and worth a great deal of money.

Question. Do these persons deny the existence of the Klan, or do they say that they think it is a good thing?

Answer. They say that they think it is a good thing. I do do not know that they deny or acknowledge that there are any Ku-Klux; I do not remember whether they say there are or not. This man Simmons, that night when he and I were quarreling, said that the Ku-Klux were a good thing. I told him he was in favor of burning the court-house. He said the Ku-Klux were honester men than any men who passed the Ku-Klux law, or tried to carry out the law, or tried to arrest the Ku-Klux. Well, that struck me directly, for I have been at that a little. His son is the man who sued out the writ of *habeas corpus* and turned loose the parties that I arrested. There is not a bit of doubt that there is a big Klan in that county. Reports say that they number from three to five hundred; but that is only report and hearsay. There is no chance to get at it exactly.

Question. Are there any persons there who are recognized as the leaders—as persons at the head of this organization there?

Answer. Yes, sir. We have two or three of their captains bound over under bonds now. Bills of indictment have been found against them in the circuit court.

Question. What is the character and general standing in society of those men?

Answer. Generally bad; most of them bad. We bound one over here day before yesterday in a $3,000 bond. He was considered a very nice man three years ago. He had a store then; but he got to drinking and carousing and running with this crowd, until he has broken himself down, and has no property now. He drinks hard, and is considered a low-down man by the people who know him.

Question. You have spoken of the political character of the people injured by the Ku-Klux. What is the political character of those who are either themselves Ku-Klux or are friendly to them?

Answer. They say they are democrats; that is what the Ku-Klux say. When they abuse anybody they claim all the time to be themselves democrats.

Question. Are there any newspapers published in your county?

Answer. Yes, sir; there is one. It comes down pretty hard on us because we tried to arrest these parties.

Question. Is is a republican or a democratic paper?

Answer. It calls itself democratic. There were eleven men arrested at one time, one of whom was a Mr. Allen, whose father had some property. Mr. Peoples, the editor of this paper, went on with a great long editorial about the law-abiding citizens of the county being arrested, put in jail, and not allowed to have council. But he called no names except Bony Allen; the man's name is Bonaparte.

Question. Do you know any reason why the Ku-Klux order should want the court-house and records to be burned?

Answer. No, sir; there is no reason except in connection with these letters. They found they could not run off the witnesses for the State, and the only chance to keep off the prosecution was to burn the records, and stave it off for a while.

Question. Were prosecutions pending?

Answer. Yes, sir; several of them—a dozen, I reckon, were under bonds. You see, these letters from the Ku-Klux named these witnesses for the State. I think you can see the letters; they are here in the hands of the marshal. They named the particular witnesses in this case, and that was the last chance for them to keep off the bill of indictment.

Question. You say you overtook three parties at the time the court-house was burned. Were any bills or proceedings pending against them, or their friends?

Answer. There was no bill against those three parties. Two of them would have been ready in about ten or fifteen days to start for Texas. The other is an illicit distiller all the time; always on the wrong track; always doing something wrong. One of the men has been passing as a pretty clever citizen.

Question. How old persons were they?

Answer. Mr. Hamilton, the oldest, is about thirty; Mr. Patrick is about twenty-eight; and Mr. Reynolds is about twenty-two years old.

By Mr. BAYARD:

Question. What is the population of your county?

Answer. Well, I think we vote about 2,000; that is about our voting strength; there may be a little more than that. Our people have not turned out and voted since the war as they used to.

Question. What is the proportion of colored and white population?

Answer. I suppose there are five whites to one colored. We used to have right smart colored, but they have about run them all out.

Question. What is the political complexion of the county?

Answer. Democratic.

Question. You say you were elected sheriff of the county?

Answer. Yes, sir; but I took both sides of the question; they all voted for me. I am one of that sort that does not belong to any party; I get as many votes on one side as on the other.

Question. Did I understand you correctly as saying that you had no personal knowledge of any of these matters, but that they were brought to you by rumor and report only?

Answer. That is the way.

Question. Have you any personal knowledge of these societies yourself, or of the membership of any individual in them?

Answer. I hardly understand the question, and I hardly know how to answer it. I have never seen any of these parties in disguise—never in my life—not one of them.

Question. You have spoken of the destruction of your court-house. Have you anything more than mere suspicion to base your opinion on, as to who set it on fire?

Answer. Nothing, except these parties being there that night, and leaving there about the time the court-house was set on fire. And then these letters, too, written to the State witnesses.

Question. That was to deter witnesses from appearing against men indicted for playing cards?

Answer. Yes, sir; the idea was to run them off.

Question. These letters were written to intimidate those witnesses?

Answer. Yes, sir.

Question. That fact and the presence of these men on horseback at that time, are the only grounds you have for supposing that those men destroyed that building?

Answer. That is all.

Question. Are your courts regularly held there?

Answer. Yes, sir; we have two courts regularly, and sometimes three.

Question. Do you serve process through the county?

Answer. Yes, sir.

Question. You are called upon to summon witnesses and to arrest parties?

Answer. Yes, sir.

Question. Have you had any difficulty in doing that?

Answer. As it happens, I have a deputy sheriff living in this district, down where this party runs, and he runs with them. I do not go down there; he serves all down there.

Question. Have you ever had any obstruction in serving the processes of the court, or in arresting men?

Answer. No, sir.

Question. Have any of these parties who were bound over been tried yet?

Answer. No, sir; not in this court.

Question. You speak of cases at the present term of the court?

Answer. Yes, sir.

Question. They have been arrested and are held under bail for trial?

Answer. Yes, sir; I and the marshal have arrested them. We arrested them in the night-time; we could not find them except at night.

Question. Were you deputy marshal there?

Answer. No, sir; Mr. Smyth said he would appoint me, but I refused to take it. The State law will not allow an officer of the United States to hold a commission of this State. After I found that out I refused to take the place of deputy marshal, because I would have to resign my place as sheriff.

Question. Are there any difficulties in obtaining convictions in your courts in cases of breach of the peace or disorder of any kind?

Answer. No, sir; we have a well organized county.

Question. You have fair juries?

Answer. Yes, sir.

Question. Do you have any difficulty in convicting a man when there is reasonable ground for it?

Answer. None in the world that ever I have seen.

By the CHAIRMAN:

Question. Have any proceedings been instituted in your court against anybody for destroying the court-house?

Answer. No, sir. Our court should have met on the Monday morning after the court-house was burned on Sunday night. The court met and then adjourned. It meets again in December next. September and March are our regular courts.

By Mr. BAYARD:

Question. When was the court-house burned?
Answer. On the 10th of September.
Question. Last month?
Answer. Yes, sir; just a late thing.

By the CHAIRMAN:

Question. In regard to these whippings you spoke of, how long since the last one occurred that you have heard of, or had any information about?
Answer. Well, it has been two months, I reckon, since they have done much whipping. That is all rumor with me, though; the witnesses themselves are here and can give you a better understanding about it than I can; I do not remember exactly the dates.

By Mr. LANSING:

Question. Have any arrests been made for these whippings and for other violations of law by the Ku-Klux?
Answer. No, sir. The civil authorities seem inclined not to touch them at all. Well, I am under oath here, and I would like to give a little statement of what happened in the upper part of the county some time ago. We have two districts; one is as bad as the other. In the one known as Cain's district hardly a month ago they had a church on Sunday there; and a party that they accused of belonging to this Ku-Klux got up a row in the church there about the preaching, and got to shooting pistols about, and broke up the church. And the preacher did not preach at all; he had to quit and go home. A justice of the peace who was present saw that happen, and he issued warrants and placed them in the hands of the bailiff; he could not get the bailiff to execute the warrants at all. I think he told me that he handed the subpœnas over to the parties that he wanted to be subpœnaed, and they just tore them up, and did not pay any attention to them at all.
Question. What denomination was holding a meeting there?
Answer. I think it was the Methodists.
Question. Was it an ordinary church service on Sunday?
Answer. Yes, sir. They have churches there once a month, I believe. Mr. Timms is justice of the peace there. He has been notified time and time again to leave the county or he would be killed. He would be a mighty good witness here if you had time to get him here. I have a certified copy of his statement saying that he could not enforce the law there.

By the CHAIRMAN:

Question. Have you that copy with you?
Answer. Yes, sir; here it is:

"STATE OF GEORGIA, *Gwinnett County:*

"SEPTEMBER 23, 1871, *562d district, G. M.*

"I, W. P. A. Timms, as justice of the peace for said district, do hereby certify that, from threats made by disguised men, or persons going about doing depredations. I would not be safe in the administration of the law in protection of peace and good order toward the citizens of the county.

"W. P. A. TIMMS, *Justice of the Peace.*"

I have one from the other justice of the peace of that district and one from the postmaster, a justice of the next district also. It is about the same thing. They are not got up in very good style, but you can tell the meaning of them. This man Mr. Spencer is also postmaster. He is here in town to-day, probably. He has been subpœnaed. He says he has to resign; that he cannot hold any longer.
Question. Do you say he is in town?
Answer. I think he is here by this time. I looked for him by the 10-o'clock train today, but I have not seen him yet.
Question. These papers were handed to you as sheriff of the county, I understand?
Answer. Yes, sir; handed to me by the justice of the peace. They are all going to resign and quit; they cannot do anything; they told me so themselves.
[The two papers last referred to by the witness are as follows:

"SEPTEMBER 23, 187 1.

"STATE OF GEORGIA, *Gwinnett County:*

"I, Andrew Hays, a notary public of the 562d district G. M. of said county, do certify that, from the threats made by disguised men going about doing depredations on the citizens of my county, I would not be safe in the administration of the civil law."

"ANDREW HAYS, *Notary Public.*

"STATE OF GEORGIA, *Gwinnett County:*

"I, J. W. Spencer, notary public and *ex-officio* justice of the peace of the 444th district G. M. of said county, certify that, from threats made and the condition of this county generally, I do not consider myself and property safe from bands of disguised parties riding of nights in various sections, doing mischief, in the discharge of my duty as a peace officer. I am also postmaster at Cain's post-office, both of which offices I shall resign if times does not quiet down and said depredations cease.

"This September 23, 1871.

"J. W. SPENCER,
"*Notary Public and ex-officio Justice of the Peace.*"

By Mr. BAYARD:

Question. You were not present at the time of this difficulty in the church?

Answer. No, sir.

Question. It occurred in the day-time?

Answer. Yes, sir.

Question. Was it among the people gathered there as part of the congregation?

Answer. Yes, sir.

Question. It was a local quarrel among themselves?

Answer. Yes, sir; two young men were drinking and got up a quarrel, and got to shooting and broke up the church.

Question. That caused the disturbance?

Answer. Yes, sir.

Question. You do not know what caused the quarrel between those two young men?

Answer. I did not hear the justice of the peace say.

Question. It was a personal quarrel?

Answer. It seemed to be, from what Mr. Timms said to me.

Question. Have you any warrants in your hands issued for the arrest of those parties?

Answer. No, sir; they generally place their warrants in the hands of the bailiff. The judge of the court places his warrants in my hands.

Question. Is it your duty to serve warrants issued by a justice of the peace?

Answer. Yes, sir; they are directed to the sheriffs of the State, like bench-warrants.

Question. Have you ever been prevented from executing any warrants?

Answer. No, sir; I have always made arrests when I went to do it; I have never failed yet.

Question. Can you generally serve your processes; do you have any doubt upon the subject?

Answer. There is a party in the lower part of the county there who, if they knew I was going there by myself, alone, to serve a warrant, would not let me hold a person even if I arrested him.

Question. Have you ever tried it and been prevented?

Answer. No, sir; I have never been hindered at all.

Question. Have your deputies been hindered?

Answer. Well, the deputy does not do much arresting; I cannot get him to o much; he sort of leans on the other side.

Question. I am asking this question: If you give him a process to execute would he execute it?

Answer. I suppose so.

Question. Have you ever had any case where he refused, or was unable to do so?

Answer. No, sir.

Question. In whose handwriting is this statement purporting to be made by Mr. Hays?

Answer. I think it is Mr. Timms's.

Question. He wrote his own statement and that of Mr. Hays?

Answer. Yes, sir; I think so.

Question. Did he sign Mr. Hays's name?

Answer. It looks all like Mr. Timms's writing; he did not tell me that he did it, but it looks like his hand.

By the CHAIRMAN:

Question. Have you had any talk with Mr. Hays about this matter?

Answer. No, sir; Mr. Timms handed both of these to me.

By Mr. BAYARD:

Question. Both of these papers are in Mr. Timms's handwriting?

Answer. It looks so.

Question. Signatures and all?

Answer. It looks so; I am well acquainted with Mr. Timms; I do not know Mr. Hays very well.

Question. Timms is the only man you saw personally on the subject of these papers?
Answer. I saw Mr. Spencer.
Question. Did Mr. Spencer hand you that paper?
Answer. No, sir; he sent it by Mr. Timms; but I saw him the day before, and he said he would send it or fetch it.

ATLANTA, GEORGIA, *October* 20, 1871.

HENRY LOWTHER, (colored,) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I will be forty-one years old on the 4th day of next February; I was born in Newton County, but live in Wilkinson County when I am at home.
Question. Have you been in jail recently?
Answer. Well, yes, I have been in jail.
Question. In what county, and upon what charge?
Answer. I was in jail in Wilkinson County; and the charge was that I had a company of men to take a colored man out and kill him.
Question. Were you ever tried on that charge?
Answer. No, sir; I never was tried.
Question. How long ago was it that you were put in jail?
Answer. I was put in jail on the 2d day of September last.
Question. By whom?
Answer. Do you mean who arrested me?
Question. Yes.
Answer. The parties were Mr. Peacock, the bailiff at that time, Mr. Bruner, Mr. Hyman, Mr. Gilbert, and Mr. Rutland.
Question. Did these parties get out a warrant against you?
Answer. No, sir; it was a colored man who got the warrant out and had me arrested.

By Mr BAYARD:

Question. What was his name?
Answer. Rack Bell.

By the CHAIRMAN:

Question. Go on now, and state anything that happened to you after you were put in jail.
Answer. I was put in jail Saturday evening; my son was put in there with me. They said they had a warrant for him, but they did not have any. They arrested him twelve miles from home. When they got to the jail-house and locked the door and started out, my son said to me: "Father, they are not after me, they are after you. To-morrow I am going to ask Captain Thomas to turn me out of jail." Sure enough, he did so. I asked him to turn me out, for I was in there for nothing. He said I could not get out without a trial. I said, "Captain, I want a trial." He said, "If you want one you must have it; but to-day is Sunday, and if you will take my advice you will put it off until to-morrow. Monday morning I will take you out early and give you a fair trial." Monday morning came; they went around and arrested about sixteen persons; about six of them were engaged in a company to protect me. We had a company to protect me after they first went to my house. They arrested about eight more besides them, and brought them to town; they carried them to the court-house and examined about half of them. They did not take me out of jail at all. It was about 2 o'clock in the day when they got through with them. They dealt with them all, either by making them pay $2 70 costs, or giving bonds for appearance at court. Of course they gave the $2 70. My son, a grown young man, was up there. He said, "Father, Rack Bell says he is satisfied you did not have this company of men to take him out and kill him. They say it is left with him whether you get out of jail or not." I said, "Tell Rack Bell to come here to the jail." He came; and I said to him, "What does this mean? We have ate together and slept together, and we have helped each other. It is with you whether I get out of jail or not." He said, "Captain Eli Cummins and Lewis Peacock say you cannot get out of jail." I said, "Tell Captain Cummins to come here." A gentleman came with him by the name of Beaman. Captain Cummins sat down and talked with me about an hour, but there was nothing he said that I thought had any substance in it, only when he went to leave he said, "Harry, are you willing to give up your stones to save your life?" I sat there for a moment, and then I told him, "Yes." Said he, "If they come for you will you make fight?" I said "No." He said, "No fuss whatever?" I said, "No." That was about an hour by sun. I lay right down then and went to sleep, and did not wake up until 2 o'clock in the

morning. Then I saw one Ku-Klux in jail with a light. I raised up, and he caught my arm and told me to come out. I came out and looked around, and the whole town was covered with them.

By Mr. BAYARD:

Question. Covered with what?

Answer. Ku-Klux. There were supposed to be one hundred and eighty of them. When they first took me out they tied me and carried me off from the jail-house about a hundred yards; they then divided into four parties, and about twenty of them carried me off into a swamp about two miles. Well, within a hundred yards of the swamp they all stopped and called numbers, began with number one, and went up as high as number ten. When they got to number ten they went for a rope, and I was satisfied they were going to hang me. I begged for my life. They told me if they did not kill me I would shoot into the Ku-Klux again. I told them I had not done it. They asked me who it was; I told them who I heard it was, but I did not know. One of them who was standing by told the other who was talking to me to hush up and ask no questions, because he knew more about it than I did. They went on then into the swamp, and came to a halt again, and stood there and talked awhile. There were eight men walking with me—one hold of each arm, three in front of me with guns, and three right behind me. After some conversation, just before they were ordered to march, or something was said, every man cocked his gun and looked right at me. I thought they were going to shoot me, and leave me right there. The moon was shining bright, and I could see them. I was satisfied they were going to kill me, and I did not care much then. They asked me whether I preferred to be altered or to be killed. I said I preferred to be altered. After laying me down and getting through they said: "Now, as soon as you can get to a doctor go to one; you know the doctors in this country, and as soon as you are able to leave do it, or we will kill you next time." I asked how long it would take to get well, and they said five or six weeks. I was naked and bleeding very much. It was two miles and a quarter to a doctor's. The first man's house I got to was the jailer's. I called him up and asked him to go to the jail-house and get my clothes. He said he could not go; I said, "You must; I am naked and nearly froze to death." That was about 3 o'clock in the night. He had a light in the house, and there was a party of men standing in the door. I told him I wanted him to come out and give me some attention. He said he could not come. I could hardly walk then. I went on about ten steps further and I met the jailer's son-in-law. I asked him to go and get my clothes; and he said, "No," and told me to go up and lie down. I went right on and got up to a store; there were a great many men sitting along on the store piazza; I knew some of them, but I did not look at them much. They asked me what I wanted; I said I wanted a doctor. They told me to go on and lie down. I had then to stop and hold on to the side of the house to keep from falling. I staid there a few minutes, and then went on to a doctor's house, about a quarter of a mile, and called him aloud twice. He did not answer me. The next thing I knew I was lying on the sidewalk in the street—seemed to have just waked up out of a sleep. I thought to myself, "Did I lie down here and go to sleep?" I wanted some water; I had to go about a quarter of a mile to get some water; I was getting short of breath, but the water helped me considerably. I went to a house about fifty yards further. I called to a colored woman to wake my wife up; she was in town. I happened to find my son there, and he went back for a doctor. When he got there the doctor answered the first time he called him. The reason he did not answer me was that he was off on this raid. I asked the doctor where he was when I was at his house, and he said he was asleep. I said, "I was at your house." The men kept coming in and saying to me that I did not get to the doctor's house, and I said that I did. After two or three times I took the hint, and said nothing more about that. But I told my son the next morning to go there and see if there was not a large puddle of blood at the gate. They would not let him go. But some colored women came to see me and told me that the blood was all over town; at the doctor's gate, and everywhere else. It was running a stream all the time I was trying to find the doctor, and I thought I would bleed to death. My son tended me until I got so I could travel. Doctor Cummins came there to my house on Tuesday evening, between sunset and dark, and said, "I am told you say the reason I did not come to you was that I was out on the raid with the Ku-Klux." I said, "I did not say so." He said, "That is what I heard;" and he seemed to be mad about it. He said, "I am a practicing physician, and am liable to be called at night, and must go; I was in my horse-lot then." He talked a long while, and then he said he was in his stable. He kept talking, and after awhile he said he was in his drug-store. So I never knew where he was. He said the reason he was hiding about so was he was afraid of the Ku-Klux. In a day or two he came to the house and said, "The white people have got up a story here, and say I am the man who castrated you; now, this talk must stop." I said, "Doctor, I can't help it; I don't know who did it; I didn't start the story." He said it had to be stopped; and then he began to tell me where he was; that the Ku-Klux came in, and he went right off to hide. In a few days h

brother, Captain Cummins, came in and said, "Harry, I am told you make a threat of what you are going to do when you get well." I said, "What can I do?" He shook his head. I said, "Do the people believe it?" He said, "Yes, some of the most responsible people in town do believe it." I said, "I am very sorry." I then said, "Do you think the Ku-Klux will bother me any more?" He said, "If this talk dies out, I do not think they will pester you any more." I had been in the house about seventeen days; I was not able to walk, but I was uneasy; they came to me so many times that I began to be uneasy, and I left there. Just before I left they sent old man Bush and Mr. Hatfield to me to know if I would stay here and turn state's evidence against them. I said, "I am in a close place; the Ku-Klux have ordered me to leave; but I reckon I will try and stay." When I got so I could travel—I believe I lay there twenty-one days—I think it was the 22d of September, I left there. Now, I want you to understand that there was a man by the name of Lavender, who got up a company of men after they came to my house on a Monday night. I had run away. They told my wife to tell me that they would give me five days to leave in.

By the CHAIRMAN:

Question. When was that?

Answer. That was the first time they came for me. They hunted about and went into the back room for me. They had only matches for lights. They thought they had found me, and they said: "Here he is." Every one pitched in there, and said: "Kill him! kill him!" but it was only a sack of salt they saw. They said: "Maybe he is out in the weeds here." I was there, and as soon as they said that I moved off farther. The colored man who got up a company to protect me was named Bose Lavender. On Tuesday I began to gather up some money to leave there. Bose heard of their being at my house on Monday night, and told my wife to tell me not to be run off by them; that he would get up a company of men and protect me until he died. Sure enough when I got home he had the men. It rained very hard that night; I went to sleep they staid there until about 3 o'clock, I suppose. When they started off they told me to be satisfied; that on Wednesday night they would meet there again. On Wednesday I decided I would not have them meet at my house, because I knew some of them would shoot, and there would be firing, and I did not want to expose my family. I told them they had better go off and lie on the roadside a little way from the house. On Thursday night they were to do the same thing. I went to his house; he had taken one gun, and said he was going off to have some sleep, and that I should take another gun and take one of the boys and go up in the woods. Instead of that he went to Mr. Holder's house and told him I had a company of colored men to shoot Ku-Klux, and that they could go and arrest us all. Friday he went to town and told Captain Cummins about it. They wanted to get hold of him, and Captain Cummins sent to Bose Lavender, and Lavender told him that I had the company. I told them when they arrested me that Bose Lavender was the man who got up the company; that he was the man to arrest, and not me. On Monday evening they sent for him, and he was gone. He left Sunday morning, when he heard they had me in jail. He came back again, and Monday morning went to give himself up to an officer; but the officer told him he had no authority to arrest him. The officer told Captain Cummins, who sent for Lavender to come in town. Bose came there at a little before sundown Monday evening, and talked with Captain Cummins, who asked him if he had not been at Atlanta. He said, "No;" that he had gone away, because he was scared.

Question. Was Lavender a white or a colored man?

Answer. He is a colored man, though he is very near white.

Question. Has anything been done to him?

Answer. No, sir. You see after I told them to go for him he was gone. Then the Ku-Klux went out and watched for him over night, but they they did not find him. Sunday night he came back, and Monday he gave himself up; but they had no warrant to arrest him. He talked to Captain Cummins. Captain Cummins is said to be the commander of the Ku-Klux company there. In talking, Bose said: "Captain Cummins, Rack Bell tells me that he has sworn to-day that I told him that Henry had got up a crowd of men to take him out and kill him. That is as damned a lie as ever was told; I will swear I never told him so." Cummins jumped up, Bose said, as mad as he could be, and walked about awhile, and scratched his head. Bose said, "So far as the case is concerned I would pay the costs of the men you collected costs of last Monday; but I will have nothing to do with Henry's costs." Captain Cummins said, "Come back to-morrow and settle up these things." He came on by the house I was living in and said, "I say, this is no place for me here; I will swear what Captain Cummins wants me to do, but I will not do it." He went off that night; the Ku-Klux went out there every night for a week and watched for him.

Question. That was after they had taken you out into the swamp?

Answer. Yes, sir.

Question. Who came to you in jail?

Answer. Eli Cummins.

Question. Is he said to be the head of the Ku-Klux?

Answer. Yes, sir; this colored man, Bell, goes with them himself. He named three names, Captain Cummins, Doctor Simmons, and Jim Shinholster, as being with them, and said they were going to kill me.

Question. Was that before they had you arrested?

Answer. Yes, sir.

Question. When they came to your house the first time how many were there?

Answer. There were about twenty.

Question. What reason did they give for wanting to get hold of you?

Answer. They did not give any reason, though I know the reason.

Question. What reason do you think they had?

Answer. They said that no such man as me should live there, white or black. They said they were going to kill out all the leading republican men, both white and black. They said I had taken too great a stand against them in the republican party. I worked for my money and carried on a shop. They all got broke and did not pay me, and I sued them. They have been working at me ever since I have been free. I had too much money.

Question. How long since you have been free?

Answer. I was freed when the balance were.

Question. Were you a slave originally?

Answer. Yes, sir; I then made money very fast; I would get from four to five dollars a day.

Question. Who were the men who castrated you in the swamp?

Answer. I could not swear to that myself, only from what I have heard; they blindfolded me.

Question. Could you tell by their voices, or anything of that kind?

Answer. No, sir.

Question. Did you know any of the men who were along?

Answer. Yes, sir; I knew three of them. I knew the two who had me by the arms, and one who was walking in front of me with his gun. There were three I would swear to. One of them I would as lief swear against my brother as him. He was a man I thought a heap of. I did not think he would be in such a place. He is a nice young man.

Question. Of what politics were the men who had you then?

Answer. They were democrats; everybody there is a democrat, pretty near.

Question. Do you know of any other persons in your neighborhood who had been injured in any way by the Ku-Klux?

Answer. Yes, sir; they killed the sheriff there—Mr. Mat Deason.

Question. How long ago was that?

Answer. About the 27th of August, I think; about three days before they arrested me. They killed him and a colored woman at the same time.

Question. How did they kill them?

Answer. I do not know how. There were five bullet-holes in his forehead, but no bullet went into his brains. The back of his head was mashed in with a club; so they told me.

Question. You say a black woman was killed at the same time?

Answer. Yes, sir; he had a black woman for his wife. He was a sheriff elected by the republican party.

By Mr. BAYARD:

Question. Was he a white man?

Answer. Yes, sir; they did not intend to kill him; but he sent them word he would kill them if they bothered him.

By the CHAIRMAN:

Question. Have any other persons been injured there?

Answer. Yes, sir; on the 1st day of September a colored man named George Meadows was killed, and Joel Dease, a white man, was shot three weeks ago last Saturday. Boston Fulward, a colored man, was shot two months ago; and they whipped a great many around there.

Question. How many have they whipped?

Answer. They whipped John A. Lavender, Fred. Dease, Henry Winn, and John Winn, and Lije Dease, and they also broke his jaw-bone with a stick; so they said. And they whipped his mother, a very old lady; I do not know her name. He was some fifty years old himself, and she was a very old lady. They whipped Bill Brigan. The way they did him was, they tied him down on a log and took a buggy-trace to him, and whipped one of his seed entirely out and the other very nearly out. Before I came away Doctor Smith said he thought he could save one of them.

Question. How long ago was that?

Answer. About the last of July, I think, or the 1st of August; I am not sure which.

They shot Andrew Guidon; he said he knew five of the party, and told me who they were.

Question. Do you recollect any other persons who have been injured by them?

Answer. That was all right around me there.

Question. Were all these cases within the last few months?

Answer. Yes, sir; they have all been done from about the middle of July.

Question. Was anything of the sort done before that time?

Answer. Last fall a year ago a couple of young men were hung by the Ku-Klux. You only want what was done in that county?

Question. State what you know, within your own knowledge, what was done within your range of information.

Answer. A white man was castrated in an adjoining county near me.

By Mr. BAYARD:

Question. What was his name?

Answer. His name was Register; I do not know his given name.

By the CHAIRMAN:

Question. How far off was that from you?

Answer. About fifteen miles, I reckon. They whipped Jerry Lowther very nearly to death; when I left there he was going about on crutches; they had whipped him six weeks before.

By Mr. LANSING:

Question. When these men first came to your house were they disguised?

Answer. Yes, sir.

Question. Can you describe the disguise?

Answer. I did not see them myself, for I left there. My wife and son said some of them had on something thin over their faces—some black oil-cloth; they said they knew some of them; they had a piece of oil-cloth with a hole in it to put their head through, and it came down almost to their knees.

Question. Did they go there on horseback?

Answer. Yes, sir; I had a mighty severe dog, and he barked and waked me up; he jumped over the fence and went outside; directly he came back into the yard, and I knew there was something there; I then went to the door, and some of them were within five steps of the door, some on horses; I left the door open and went right on out.

Question. When they came to you in the jail, were they disguised?

Answer. Yes, sir.

Question. Were they disguised in a similar way?

Answer. I do not know how they were who were off from me; one of the men had on a disguise that looked like a gray beard; two of them had long black beards—those that I knew; I knew each man who had hold of my arms, and one that walked right before me.

Question. What kind of clothes had they on?

Answer. They had on their every-day clothes, and a little piece of oil-cloth that hung down from their shoulders almost to their knees.

Question. You say you knew three of those men?

Answer. Yes, sir.

Question. Who were they?

Answer. One was Bob Hyman, another Henry Hyman, and the other Andrew Porter.

Question. Was Porter the young man who had been your friend?

Answer. Yes, sir; and I knew he was there against his will.

Question. Do you remember how Porter was disguised?

Answer. He had on this long gray beard.

Question. Were those men, so far as you knew them, all democrats?

Answer. Yes, sir; no other man belongs to that party only democrats.

Question. Did you ever know a republican that went with them?

Answer. No, sir; I knew men who called themselves republicans, who would join them and go with them.

Question. What do you mean by "called themselves republicans?"

Answer. They once had been republicans, but had turned over to be democrats.

Question. Have you known a man who was well understood to be a republican to belong to the Ku-Klux?

Answer. No, sir; there were republicans there who held office, who resigned because they threatened to kill those who did not join them. Some of them resigned, and some turned over to the democrats.

Question. When the Ku-Klux came into the town and took you from the jail, was it a light or a dark night?

Answer. It was a bright night; the moon was shining very bright.

Question. How many people live right in the town?

Answer. Not a great many.

Question. It is a village?

Answer. Yes, sir; a little village; there is not a great deal of business done there; I know every man there.

Question. What is the name of the village?

Answer. Irvington.

Question. Do you suppose there are two or three hundred people who live in the village?

Answer. No, sir.

Question. Are there a hundred?

Answer. I suppose there are a hundred; do you mean male and female?

Question. Yes; the entire population.

Answer. I suppose there are about one hundred and twenty-five.

Question. About what time of the night did they come to you in the jail?

Answer. I was told it was about 2 o'clock.

Question. Were there any people out then who saw them come and go?

Answer. Doctor Cummins said he was out, and I think he was out, too. I know that this doctor I first went to saw them; and Mr. Arkington and Mr. Chambers saw them, because they were sitting out there when I came back from the swamp; and there were other men there, but I did not notice who they were; I did not pay attention to who they were.

Question. Had you undressed when you went to bed that night in the jail?

Answer. I had on nothing but my shirt, pantaloons, and drawers; no vest, or socks, or hat.

Question. Did they take you off in that condition?

Answer. Yes, sir.

Question. You spoke of being naked when you returned from the swamp; were you entirely naked?

Answer. No, sir; I had on what I started with, shirt and drawers and pantaloons.

Question. Do you think it was Doctor Cummins who castrated you?

Answer. No, sir; I thought it was he from circumstances; but now I have found out better. A young man from there has told me who it was; he says he knows the whole party; he told me he belonged to it.

By Mr. BAYARD:

Question. Who is the sheriff of Wilkinson County?

Answer. They do not have any sheriff; the sheriff was killed about three days before that.

Question. Who is in charge of the jail-house?

Answer. Mr. Lewis Peacock was bailiff; he had charge of it.

Question. Was Lewis Peacock there when these people took you away that night?

Answer. I do not think so. I looked around when they led me out of the jail-house to see if I could see him or Captain Cummins there, but I could not see either one of them, though he must have given them the keys. After they took me out and locked the doors I looked back, and I heard that they put the keys in the post-office.

Question. You do not know where they put the keys?

Answer. No, sir; I know this Mr. Peacock has two sons who belong to this party.

Question. Have you made any complaint of this?

Answer. I went before a magistrate at Macon.

Question. Has your case been brought before the United States court?

Answer. No, sir.

Question. It is not before the grand jury here?

Answer. No, sir.

Question. Where have you lodged your complaint?

Answer. In Macon, before Mr. Fitzpatrick. I came up there and staid ten days. I wrote a letter back to my wife, and the Ku-Klux got hold of the letter and read it and found out where I was. Five of them came up there and staid a week, hunting for me; and I left there.

Question. To what officer of the law have you applied?

Answer. To Mr. Fitzpatrick.

Question. What is he?

Answer. He is a magistrate.

Question. Have any arrests been made, or writs sued out in your case?

Answer. No, sir.

Question. Have you made any affidavits about it?

Answer. Only before Mr. Fitzpatrick.

Question. Do you know whether he has jurisdiction to have these people arrested?

Answer. I think not, for this reason: Captain Cummins came up there (for he had heard of it) and wanted to know who they were, as he had heard that his name was

among them. Mr. Fitzpatrick said it was. Captain Cummings said, "When are you going to arrest me?" Mr. Fitzpatrick said, "That is not my business; I cannot tell when you will be arrested."

Question. What are the ages of the three men you swear to as being concerned in this outrage upon yourself?

Answer. I think Henry Hyman and Bob Hyman are thirty-five or forty years old; Porter I do not think is more than twenty-five years old; I have known him from a boy. I have been living right among them for fourteen years.

Question. What is their occupation?

Answer. Andrew Porter is clerk of the court; and the two Hymans are merchandising there.

Question. How many colored men are there in that county?

Answer. I do not know how many; there are not a great many now, because very nearly all have left there. I do not know how strong they are in that county.

Question. Do you not know the vote there?

Answer. I do not; I did hear, but I disremember now.

Question. When did you come to Atlanta?

Answer. I came here last Monday was two weeks ago.

Question. Have you made any complaint to anybody here of this great wrong upon you?

Answer. I have told some gentleman who stays up here; I forget his name. He took a list of those names.

Question. Have you been to Mr. Pope about it?

Answer. I sat down and talked a little with him; and he told me to stay until the committee came here.

Question. Did you tell him what had been done to you?

Answer. Yes, sir.

Question. That you had been castrated by a band of disguised men?

Answer. Yes, sir.

Question. How long ago did you tell him that?

Answer. It was last week, I think.

Question. You did not go before the grand jury?

Answer. No, sir.

Question. You had not been examined by anybody until you came here before this committee?

Answer. No, sir.

Question. Did Judge Pope tell you to remain and tell your story to the committee?

Answer. Yes, sir.

Question. He is district attorney here for the United States?

Answer. Yes, sir; he is the gentleman who told me to remain here until this committee met here.

Question. Had there ever been any complaint against you for anything wrong before this thing? Had you been charged with any offense?

Answer. Nothing particularly.

Question. I mean any offense against the law, any breach of the peace, any violence, any insult to any white woman, or anything of that kind?

Answer. No, sir; I never insulted any white woman.

Question. I asked you if there had been any charge made against you?

Answer. They did not make any particular charge against me, only they said that no such man as me should live there, white or black. They said I was getting to have too much influence in the republican party there.

Question. There was no other complaint made against you?

Answer. Yes, sir; something else was said, but it was not so.

Question. What was the charge?

Answer. They said I was going to see a white lady there; but I knew it was not so. That is what I heard a few days before that, that they were after me for. But I knew that could not have been it, because I did not go to see her. And over and above that, there are a great many men who go to see white women, and they do not disturb them. I had a family, and I did not go to see this woman; I tended her land.

Question. Was that woman related to any of these people?

Answer. No, sir.

Question. Was she a woman of good or bad character?

Answer. Of bad character.

Question. You say the sheriff was killed in August, and a colored woman was killed at the same time?

Answer. They just caught her, tied a bar of iron to her, and threw her in the creek.

Question. Were they in bed together at the time?

Answer. No, sir; they were just fixing to go to bed.

Question. Was he a white man?

Answer. Yes, sir; they had been living together a long time, and he had five children by her; he had been living with her since before the war. He had a white woman for a wife, but she was deranged, and was occasionally at home and occasionally at the asylum. He took up with this black woman, I think, about twelve years ago.

Question. The black woman was not married to him?

Answer. No, sir.

Question. Where was his own wife?

Answer. I think she was at home when they were killed.

Question. At the same house?

Answer. No, sir; she did not stay there, but off about two miles.

Question. They killed the black woman?

Answer. They drowned her; after they killed him they tied a heavy bar of iron to each one and threw them both into the same hole of water.

By the CHAIRMAN:

Question. You say they had been living together before the war?

Answer. They had been living together I think about twelve years; they had five children, and two of them were dead.

By Mr. BAYARD:

Question. By what party was Deason elected to the office of sheriff?

Answer. By the republican party.

By Mr. LANSING:

Question. Was he a native of Georgia?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do I understand you to say that when they came to your house they made a charge against you of going to see a white woman?

Answer. No, sir.

Question. You heard that talked of afterward?

Answer. After they came the first night, one man told me that was what they came to me for.

Question. You say it was a groundless charge?

Answer. Yes, sir; I had not been going to see the woman; I tended some land right at the house; they had a little piece of land there, and I tended it for them.

ATLANTA, GEORGIA, *October* 20, 1871.

JOHN L. COLEY sworn and examined.

By the CHAIRMAN:

Question. Please state your residence, occupation, age, and nativity.

Answer. I was born in South Carolina in 1821; so my parents tell me. I now live in Haralson County, Georgia, and my occupation is that of a farmer.

Question. Have you been interrupted or in any way injured by any organized parties of disguised men?

Answer. I have, some.

Question. State the circumstances, time, place, and manner of that occurrence.

Answer. On the 25th day of February last there came to my dwelling a band of men; I did not notice the particular hour, but my wife informed me that it was between 10 and 11 o'clock. She had laid down, but had not gone to sleep. I had worked all day pretty hard, and had laid down and gone to sleep earlier, and was sound asleep when the men came up to my house. They came up in haste. You know how the thing is; a man can hear, and understand, and know something, when he is not really good wide awake, and yet he is awake enough to know that there is something about. They approached my dwelling, apparently in haste, stepping very strangely and hardly upon the ground; and with strange voices they hallooed out, "Open your door, old man; open your door quick, old man." I was very sound asleep, and of course I waked up in a sort of fright, hearing the hasty words of unknown voices, and a quantity of men walking. I got up and opened the door, according to their direction. I opened the door on the south side of my dwelling; it was an old-fashioned, poor man's cabin, and the door was pinned with a pin, like old times. When I pulled out the pin with my right hand, and kept hold of the door with my left hand, I brought it back the width of my elbow to look out to see if I could see any one. As I bent myself to look out, two men seized me by the left arm, and tried to jerk me out of doors. They jerked me so hasty that they got the door up against the point of my right shoulder,

or my breast, whichever way you choose to take it. It brought the door up and closed it. My wife was standing by, and, being a person of ready mind, she took the pin out of my hand and pinned the door. In the scuffle I had got pushed around sideways towards the wall of the house. It was a log wall sealed with a sealing-board, and the board was split. Somebody stabbed at me through the crack of the board; whether it was with a spear, dirk, or a knife, or a pistol barrel, or whatever it was I could not tell, from the fact that I just saw it come through and go back again. But the fire shone on it, and showed that it was metal of some kind. It cut a hole in my waistcoat, which I had put on. I had on my waistcoat, and drawers, and shirt. It did not take entrance into the skin or through the shirt. By this time I became sort of roused, and called for an ax, intending to try and defend myself. The ax was not produced to me; and while that was going on a gun was run in right by the side of the chimney, through another large crack, which had not been sealed up, but which had been left to let the light in. A double-barreled shot-gun was run in there, and presented directly at me, not more than five or six feet from me. The fellow swore that if I did not open the door he would shoot my "God damned liver out;" that was the expression, just that way. Well, that brought to my mind the thought of a gun. There were three guns in the house, two of my own, and one that belonged to my wife's grandson, my step-grandson. All three guns were in the house, and I called for one. The gun was handed to me, but I do not know who did it; so it was, somebody presented me a gun, and I took hold of it, and set the trigger, and presented the gun so that I thought I could shoot through the crack at that man who had the double-barreled gun directed at me. I told him to take his gun and go away from there, or I would shoot him dead. He left from that place and went around the chimney, threatening to shoot the young man who gave me the gun; that is, he says he gave it to me; I do not know who gave it to me. And there was an order from some one at the back of the chimney to break down the doors. They went to break down the doors, and in the tumult some one got by the side of the chimney, and said, "Open your door or I'll burn your house." He lit a match and held it in a crack to fire the house. The match failed, and he lit a second one, and held it in the crack. He lit a third one, and held it there. I saw the place by the shine of the light, and it brought to my mind the notion that I could, perhaps, shoot him through that crack. I got my gun in position to shoot through the crack, and was holding it ready to just touch the trigger when he fired the next match. While I was standing in that position, they broke down the north door, and four men ran into the house. Two seized me, and two seized the gun. Of course I had a tight grip on it, and, as you might expect, I was not willing to give it up in such a case. They ran out of doors with me, and as soon as they cleared the wall fairly, I looked up and saw a quantity of men; I do not know how many exactly. I saw they were generally disguised, so far as I could see. When I saw that, I said to them: "Gentlemen, I am not afraid of you; you are Ku-Klux. I understand you now. Previous to this time I had not understood; I did not know that you were Ku-Klux; I know now what you are. I am not afraid of you, if you are the Ku-Klux." One said, "We are your friends; we are not going to hurt you." They led me off some thirty or forty steps from the house, to the yard gate, in my stocking-feet, with my waistcoat, and drawers, and shirt on, and bare-headed. They said, "Was there not another man in the house?" I said, "Yes." "Who was it?" said they. I said, "It was my wife's grandson." They said, "We don't want to hurt you or him either. We are your friends. We only want to talk to you. Let's go back to the house." They turned right around and went back to the house. They held me by the arms all the while, for fear, I suppose, that I would make fight or do something. I said, "Gentlemen, let me put on my clothes. I hate to be going about this way." They let me put on my pants and coat. They went with me. I went in the house, and called for my step-grandson. I could not get him up; could not find him; he went into the loft. They all hunted for him, but they could not find him; he made his escape through the housetop and got away. They said, "Now, old man, you must get him up." I caught up a torch, and I went around with them and searched the house, but not very particularly, and could not find him. I called to him with all the faithfulness a man could do, and with the honest expectation that he would answer me, but he did not. They said, "Well, come on." I said, "Let me get my hat." They said, "No."

Question. Can you not state more what they did, and less what they said?

Answer. Very well; you simply want to understand the abuse they gave me?

Question. Yes; tell what they did to you, and what led up to it.

Answer. That is what I am endeavoring to do. I thought I would give the whole catalogue of it. I did not find my hat; they had ransacked the house in such a way in search of him that things were pretty badly torn up. My wife was scared almost to death, and also this young man's wife. This young man's wife just sank right down; it was enough to cause anybody to sink down. But I was not excited, except at first; then I thought I was in safe hands, from the fact that I considered that I had done nothing to be Ku-Kluxed for.

By Mr. SCOFIELD:

Question. Did you find your step-grandson?

Answer. No, sir; they said, "Come on," and took me and led me out bare-headed, and took me outside of the gate. I did not understand anything about what they took me outside there for. When they took me out there were thirteen came into the house that I counted; and I concluded that there were as many more out where the horses were as were in the house, though some of the same ones in the house might have gone out there. At that place there were two men I noticed in particular, who were holding horses; one of them was a man who lived in sight of me, as I thought. I went up as close to him as I am to this gentleman here, and looked him right in the face. He began to turn slowly from me. He was an old man who had often in church led me up to the pulpit and said, "We expect to have use for you to-day." I found him there holding horses, and another one that I thought I knew as good as I could any man. They did not like to have me look at them very long; and the other men ran me back some fifteen steps. But I thought I was satisfied as to who they were.

By the CHAIRMAN:

Question. What were their names?

Answer. I think one was Enoch Branham, and the other was Dolph Beacham, of Haralson County. They ran back with me a short space, and ordered the horses away. The men began to mount their horses and pass away. As they did that I pulled up to look at their horses, these men still having hold of me. I passed the first pair of horses, right in between the horses, and looked as sharp as I could to recognize the horses, but I could not. They ordered the horses away, and stopped me again until the horses had passed away. They took me about seventy-five yards, and put a rope around my neck, and I began to be suspicious that they would abuse me, as all of you would have been. They said they would not do it, but I began to be suspicious. They took me to the west end of my plantation, to an old road at a branch, and there they stopped me and whipped me. They started from that place and passed a few steps down that road in a west direction, in the direction of Alabama. They said to me, "What about this difficulty that took place between Jim Branham and Tom Martin, and this t'other fellow?" referring to this step-grandson of mine. I told them the truth about it, and the course that I had pursued during the difficulty, and that I endeavored to quash it.

Question. I do not know that that has any connection with the matter we are inquiring about.

Answer. I think it is connected with it in this way: they asked about the difficulty, and I said I had nothing in it, except to keep it down, which I can prove by George W. Lester, Greensides, Castle, Brown, and Hill; and that I called for help to take away the knife from this step-grandson when Brown had a hand-spike striking at him. I called for help, and his father-in-law came, and we took the knife away. I said to the crowd, "Gentlemen, stay with me, and do not let this difficulty go any further." We got it sort of squashed there. The foremost ran about thirty or forty steps, and turned round and cursed the crowd, and swore that he would bring the Ku-Klux on and have us every one killed. That was Thursday. Friday and Saturday passed away, and Saturday night they came. When they came, as I told you, they carried me away and abused me. I just told them this story as I tell it to you. They said, "All right; that is enough;" and led me on a few steps further. They then said, "You stole two of this old man's hogs." Just before they left the house they struck me two licks with their fists. I said, "What man's hogs?" They said, "Branham's." I said, "If he will say so, and swear to it, I will pay for the hogs." They said, "We say so; we come from the moon. We are dead men, and come from the moon, and we have been taking cognizance of your conduct below here for many years." I said, "All right, gentlemen; if you have, and will give me my just deserts, I will be satisfied." They said, "What about the shooting done at this old man's dogs?" I said, "I know nothing about it." They went on, and I said, "Here is Joe Rowan, just ahead of us, that I can prove it by." They cursed Rowan, and said he stole horses. They took me on to Jim Hill's, where I expected to make the proof that I was an innocent man. When I got there I could not find Jim Hill; he was not at home, or, if there, he was in a disguise, so that I could not tell him; I could not find him. When they first struck me and whipped me, a man came up and spoke whose voice I thought I knew as well as the man who had a gun through the crack. The one at the crack was Burgess Daniel. Before they whipped me, there was a man appeared with his whip to whip me, and another said, "I want to do it." I thought I understood his voice, and I think so yet.

Question. Who is he?

Answer. Henry Wimpey, I think was the man, and I think so yet. While in the house there was a circumstance that induced me to believe I knew the man there by his hand and his coat-sleeve; whether a man could know another in that way or not, I am not certain.

Question. You say you went to Hill's and found that he was away?

Answer. Yes, sir.

Question. Did the Ku-Klux do anything more to you?

Answer. Yes, sir; they went to the door with me and they called this way: "Here, old man, get up; we want you." But the old man did not get up; or, if he did, he did not make himself known. Being fully satisfied that I could make the proof by that man that I was innocent of the charge, I myself put my hand against the door and pushed it. It seemed to be just closed together; hardly a chair against it. The door was hastily pushed back, and said I, "Come in; if he is there abed and asleep I will wake him," for I had such confidence in him. I could not find him to make the evidence. I then proposed to go to Martin Brown's, the next house below. They would not suffer me to do it; they said, "You can't make proof; we are not going to be running round with you. Didn't you sell Joe Rowan a pistol?" I said, "No." They said, "Didn't some of your folks do it?" I said, "Yes, my wife's grandson sold him one some time ago." They said, "All right; come out here." They took me out by the side of the road and to a shade tree, where they hanged me up by the neck, pulled me up clear from the earth. The last I knew about myself or my actions I was trying to hold on to the rope. When I came to, to know anything, I was not holding on to the rope, but was standing upon the ground with my hands by my side. How long I had been there I could not say, because they deadened me to that extent that I did not know anything. I felt something pass from my neck way down to my extremities like, sometimes, when you hit your elbow. Said I, "Gentlemen, I am dying, and shall never see my friends nor family again." They led me forward in the direction of the big road, and said, "Now, old man, if you have any more arrangements to make, make them; your time is not long here. Are you not a radical?" "A radical?" said I, as if I did not know what they meant. "Yes," said they, "a radical. How do you vote?" I told them. They said, "If you have any arrangements to make, make them quick." I said, "I have nothing; if you are going to execute me take me away from the house, and suffer me to make a prayer." They said, "Go on." I knelt down in the big road, and I tried to pray to my Maker for them, that peace might come, and that these things might pass away. They stood there with their six-shooters over my head; I supposed that they would kill me, as scouts did men during the war, as I had heard. I got through, and said, "Amen." As I got up they fastened on to my arms again and led me down thirty or forty steps back in the direction of home. In the edge of the woods by the side of the big road they halted me, and turned me round square, front to the road. I saw the man with the shrub come up again. I said, "Gentlemen, how many are you going to give me now?" They said, "make him pull his coat off." They commenced hitting me, and I commenced counting; I counted "one, two, three," and so on, until they gave me six licks. It hurt desperately. I said, "Lord, have mercy on me;" for I saw that those people had no mercy, and there was no one to apply to for relief but the Lord. They gave me the six licks over my shoulder, and across my back they gave me four, and I then said, "Ten." The commander said, "Stop! halt!" They then set another person to whip me across the legs, but how many licks he gave me I do not know. I reasonably suppose that, first and last, in the three whippings they gave me that night, the very shortest was seventy-five licks; but it is only supposition.

Question. Where did they leave you?

Answer. The commander, as it seemed to be, led me from that place to about the middle of the road, holding me by the arm, and looking me in the face with all the impudence in the world. Said he, "Don't you think you can find a home away from here?" I said, "I think I can if I have to leave." When they were putting the rope about my neck, one of them said, "Old man, this ought to have been done for you fifty years ago." I admitted that that was the case if I deserved it at all. He said, "Don't you think you can find a home away from here?" I said, "I am sure I could if I had lived otherwheres, and had never been treated this way." He said, "You must go." I said, "I cannot do it." He said, "If you don't do it we will kill you." I said, "I would rather die than do it, from the fact that my name will be assailed, and I will be called a bad man, while I have not done anything to go for." I said, "I cannot go; this is my place; I have earned it with my hands," holding out my hands, "and I cannot leave it." He said, "We will kill you if you don't." I said, "How long before I must go?" He said, "Do you think you will go?" I said, "Of course, rather than die, any man would go; how long?" He said, "Fifteen days." I said, "Gentlemen, I cannot get away in that time; I cannot do up my business and leave in that time." He said, "You have it to do; now, if you don't go we will kill you anyhow; and if you tell what we have done to you, or said to you, we will kill you." Now, gentlemen, will you admit the expression that I have been informed by another man who that commander was, not knowing him myself? That man himself was not in disguise.

By Mr. BAYARD:

Question. What is his name?

Answer. I was informed by another man, who professed to have got knowledge of him, that his name was Joseph Burrows, of Cleburne County, Alabama; I think I would

know the man if I should see him. He told me to run. I could not, and said so. Said he, "Run," and fired a pistol right near me. Another man said, "Don't you hit him." Said he again, "Run," and I went three steps, in a sort of slow trot like this, [moving across the room.] He fired a second pistol, and I left and went back to my dwelling.

By the CHAIRMAN:

Question. Have you been disturbed since that time?

Answer. I have not staid at my house; I stayed there eighteen days in the day-time, but at night I went into the woods and hid myself. I think that, about Friday night, two or three weeks after that time, I will not be positive when, this same crowd, as I supposed, came up there. But I was absent, of course, and my wife would not stay there either, but she had gone to her mother's. They just tore down the doors and set them open. There were the horses' tracks there. I thought I knew two men by their talk. I thought I knew John Gilpin and Jim Branham, the son-in-law of Hancock Branham.

Question. Do they all live in Haralson County?

Answer. No, sir; the son-in-law lives in Polk County.

Question. You say this man Branham had invited you to the pulpit at different times?

Answer. Yes, sir.

Question. Are you a preacher or clergyman?

Answer. I was licensed.

Question. Of what denomination?

Answer. What we call the Congregationalist Methodists. I have my license in my pocket.

Question. Where have you been since that time? You say you staid about there some three weeks.

Answer. I went about sixteen or eighteen or twenty miles from there, and about five miles from the county seat.

Question. You say they asked you about being a radical. Had you voted the radical ticket?

Answer. Yes, sir.

Question. So far as you know these men, were they republicans or democrats?

Answer. Some of them, I think, were in the republican party, and some were what they call democrats.

Question. Some that were in the Ku-Klux?

Answer. Yes, sir, as I suppose.

Question. Some that were along that night?

Answer. Yes, sir.

Question. How were these Branhams?

Answer. They have voted the republican ticket, but they had ceased to vote for some years. I heard them talk very little about politics any way, showing that they were not acting much any way as to that thing. They were quite still, as far as I knew. This man, Gilpin, I am right certain, is the man who broke down the door that night, from the way he spoke. He talked with my wife, and she is fully satisfied it was John Gilpin.

Question. What reason had they for making this attaek upon you, more than you have stated?

Answer. None in the world that I can tell. This man Gilpin came up —— I could tell it if I am permitted.

Question. Well, go on.

Answer. There came up a storm; and there is a kind of common path that goes through my land. They have got to driving through with a wagon occasionally, and they have made it a road, but I do not think there ever was any order for it. But I did not hinder any body going through. A storm came up and filled the road full of logs in a little bottom. The settlement notified me verbally to open the road. I had no right to open it more than anybody else. But Mr. Branham's son told me to open the road; I said, "It is none of my business, but if anybody will help me, I will help do it." He came up and said he was ready to help open the road. I took hold, and my wife's grandson took hold; this man Lester that I spoke about, and his son took hold, and we opened it, straighter than it was before. This man Gilpin, being a contentious, stubborn man, came up, and he and his brother-in-law notified me to open the road. I told them it was open. They said, "It will not do at all; we are going to have the old way open." I said, "It is not necessary; this is better than the other way." They said, "We will have it open any way; you may as well go along and open it." I went along down where they commenced cutting timber, and I said, "You can't use that here," and made an effort to get them to stop it. They said, "No; we are going to have it here." I said, "No, you shall not do it."

Question. Tell us the facts, what was done on that occasion which led you to suppose that that had anything to do with the treatment you received?

Answer. I only supposed it was that grudge; they had not done me any harm before.
Question. Do you suppose he brought the rest of them there?
Answer. No, sir. I learned by another man that Jim Branham went, as he threatened, forthwith and made report to the Ku-Klux, and the Ku-Klux brought the band there. I am also told that they brought William Sides, Charles Sides, and Bob Sides.
Question. Who told you this?
Answer. Daniel Dodson is the man who made the report to me.

ATLANTA, GEORGIA, *October* 20, 1871.

JOHN D. POPE sworn and examined:

The CHAIRMAN. As you desired to have this witness summoned, Mr. Bayard, you will please begin his examination.

Mr. BAYARD. I have no objection to examining him; but I took it for granted that the committee would desire to examine a man in his position.

By Mr. BAYARD:

Question. What is your official position?
Answer. I am the United States attorney for Georgia.
Question. How long have you held that position?
Answer. About a year; I cannot tell precisely now.
Question. Were you a practicing lawyer before that time?
Answer. I was.
Question. For how long?
Answer. From the year 1860.
Question. Are you a native of the State of Georgia?
Answer. Yes, sir; I was born within fifteen or twenty miles of this city.
Question. Have you been engaged in making examinations in this city in relation to outrages upon individuals by bands of disguised men?
Answer. No further than my official duty made it necessary.
Question. Have you presented any indictment at the present term of the court to the grand jury?
Answer. I have.
Question. What number of indictments have been found?
Answer. I think indictments are now pending against thirty persons, found at this last term. Some of the indictments embraced several names. There are not thirty separate indictments, but there are bills against thirty or thirty-one persons.
Question. What is the general character of the alleged offenses for which indictments have been found?
Answer. These are not all the bills found at this term, but they are the bills found under what is called the enforcement act.
Question. There are no others affecting the peace of the county or State?
Answer. No, sir.
Question. Are those indictments that you speak of for acts of violence against persons and property?
Answer. Yes, sir.
Question. They have been found under the late law of Congress?
Answer. Yes, sir.
Question. Were you cognizant of the case of Henry Lowther, the colored man who was castrated?
Answer. I know nothing about it except his story.
Question. Did he state the circumstances to you?
Answer. He did. But he is not a resident of the northern district, and therefore he did not go before the jury. He lives in the southern district, and I did not take him before the grand jury.
Question. Why not?
Answer. Because he lives in the southern distsict.
Question. The question of local jurisdiction prevented you from taking cognizance of it?
Answer. Yes, sir.
Question. In the course of your business here have you found any obstruction in the processes of your courts in respect to summoning witnesses and making arrests?
Answer. I can answer that question only from information. I remain here, and process is sent out to different portions of the State.
Question. What have you found to be the case?
Answer. It has been reported to me that in one place, in one portion of this district, there has been a disposition to prevent people from coming here as witnesses. There

was a bill found against one man, charging him with preventing witnesses from coming here, with threatening them if they came. The man was acquitted.

Question. He was tried?

Answer. Yes, sir; but I did not have all the testimony which I had afterward.

Question. Have you any difficulty in procuring convictions upon reasonable, proper estimony?

Answer. I think the jury of this court has been governed by the law as given in harge by the court. I know nothing to the contrary.

Question. What is the condition of your community for peace and good order?

Answer. I must speak in regard to the country where I visit. I do not go in many ortions of the northern district. I attend court here and in Savannah. And then I ave my private practice, which is mostly confined to this county. I think this neigh-orhood is as peaceable as almost any place you could find. None of the cases under he enforcement act arise in this county, and I believe very few in any county near his place. Perhaps three or four in the next county. The most of them are from fifty o a hundred miles off.

Question. When will these cases come up for trial?

Answer. In March, 1872.

Question. Have parties been arrested under these indictments?

Answer. No, sir; some of them had previously been arrested under commissioners' warrants.

Question. And held to bail?

Answer. A few of them had been.

Question. Are they all now under bail?

Answer. They are not. Some of them have not been arrested at all; the majority of them have not been.

Question. Warrants have been issued for their arrest?

Answer. Not yet; the bills were found in the court only yesterday evening.

Question. Have you, in the discharge of your duties as district attorney, failed to procure convictions where the testimony has reasonably warranted convictions, in your opinion?

Answer. Well, I should say I have not failed in an unusual manner.

Question. Do you practice as a lawyer in other courts besides the United States courts?

Answer. I do.

Question. Is there a general obedience to the laws throughout the community where you practice?

Answer. Well, there is what we consider here a reasonable obedience; of course there are many violations of law.

Question. As there are anywhere else?

Answer. Yes, sir; I have not practiced in any of the remote counties.

Question. I am speaking of the counties in which you have practiced.

Answer. I have answered that question. I think there are the usual number of violations of law.

Question. Are you aware of any combinations to resist the execution of the laws of the United States?

Answer. I could only speak from hearsay.

Question. Have you any official knowledge of it?

Answer. If I have any it is the reports brought to me in my official character. I have not had any report of resistance to the process of this court, except in one locality in the northern district of Georgia. I have reason to believe that there is a section—a county or a part of a county—where witnesses cannot easily be obtained.

Question. In a portion of one county?

Answer. It may be in portions of two counties; I do not know how much territory that embraced.

Question. Is your knowledge of any combinations to obstruct the execution of the law confined to the facts you have stated; is that all the information you have upon the subject?

Answer. I think it is.

Question. In the case of Henry Lowther, the facts of which you have heard, would there be any difficulty, if that case had been within your district, to arrest and bring to trial the men whom he charges with having committed that offense?

Answer. I do not think that, upon the testimony of that one man, I could convict them in any court; I do not know what other witnesses could be found.

Question. I am asking about arresting them and bringing them to trial?

Answer. You know we must first call a grand jury, which will find a bill. My experience has been that upon the testimony of one man of his social position, in a case of that kind, a grand jury would hardly find a bill.

Question. Unless corroborated by other circumstances and facts?

Answer. Yes, sir; none of those bills found here under the enforcement act, I think, have been found upon the testimony of one witness.

Question. Suppose that this man was sustained by other witnesses as to the main portions of his story; would there then be any difficulty in bringing the parties to trial, under the present laws of the United States, before this district court, if he had lived in your district instead of the adjoining district?

Answer. If he had lived in this district, and I had had other witnesses to identify the parties who committed the offense—there is the difficulty, the identification of the parties. The jury would not doubt that the outrage had been committed; and if I had had witnesses to identify the parties, of course they could have been brought to trial.

Question. Do you believe, further, that if there was reasonable corroborative proof of this offense the offenders could be convicted and punished in your courts?

Answer. I think they might if the proof was undoubted. In a case like that it would require good proof, strong proof, to produce conviction; for the reason that the men who were charged with it are men of influence, and frequently the witnesses are not. I do not think that this one man's testimony could convict them.

Question. Alone and unassisted by other witnesses?

Answer. I think not. If there was undoubted proof I think the jury would find a verdict.

Question. In your opinion, from your experience of juries summoned here, do the grand and petit juries form a fair tribunal for the trial of offenses of this kind, both in justice to the public and to the defendants?

Answer. I have never brought a case to trial before a jury of this court. But my opinion is that in this court there would be a reasonable prospect of a fair trial; I have no reason to doubt that.

Question. You have no reason to doubt that justice would be done?

Answer. No, sir; if satisfactory proof could be made. Very frequently there may be cases where the parties ought to be convicted, and there may not be proof sufficient to convict them.

Question. Would you, as a prosecuting officer, ask a jury to convict a man without competent proof?

Answer. I never do so unless I make a mistake.

Question. If the proof in this case was what you would consider as reasonably competent proof, you would expect a conviction?

Answer. Yes, sir.

Question. My object in asking these questions is to ascertain whether, in your opinion, there would be a failure to obtain justice before your courts?

Answer. I will tell the truth, as near as I can; I have to hesitate somewhat in my answers, for the purpose of reflecting. In all counties, wherever a man in humble position makes a charge against a man of standing there is some difficulty in obtaining a conviction; it would require stronger proof than it would if the position of the parties were reversed; I suppose that would be true in any community. If this case of Lowther were to come up, we would have to have very full proof of the identity of the parties to produce conviction. I do not know that that is not true of any community. I think a great many men get off in this country that are guilty, but I suppose that is the case in all countries.

Question. Have you any reason to suppose there is more evasion of justice here than elsewhere?

Answer. No, sir; whenever a man is tried, the court says to the jury that if there is any doubt the man should be acquitted.

Question. That is the universal rule wherever the common law is recognized?

Answer. Yes, sir.

Question. Have you any knowledge of the case in Bartow County, within the last two months, of the trial and conviction of two white men for the murder of a negro?

Answer. I heard of the trial, I think; but I do not think I ever heard what was the result of it.

Question. And that they have been sentenced to the penitentiary for life?

Answer. It is very likely that result has taken place. I have heard of the trial, but I have not been in that county. I would say that the juries we have here are as good as the average. Of course my experience is confined to this State.

Question. Do I understand you to say, in speaking of the relative positions of the parties, that in this case a difficulty of conviction would arise any further than, where men of known position and character in the community were charged with heinous crimes, that their good character would require stronger proofs to overbalance the presumption of innocence?

Answer. Well, my opinion is that in regard to the offenses under the enforcement act, on account of public opinion, more proof would be required in order to produce conviction than would be required in other cases.

Question. That not only would the character of the parties have its influence, but the nature of the cases would have some influence?

Answer. I think I have observed that, so far as my investigations have gone.

Question. These indictments obtained at the present term are the first which you have sent up under the new law?

Answer. Yes, sir.

Question. Had you any difficulty in having true bills found in those cases?

Answer. No, sir.

Question. No more than in other cases?

Answer. Well, I hardly know how to answer that question. I introduced my testimony to the jury, and then retired. There is no difficulty in any case, so far as my connection with the prosecution is concerned, further than that they ignored some of the bills where there was considerable proof. I do not know that it was on account of the nature of the offense charged. They found a reasonable number of bills, I think.

Question. And without any difficulty?

Answer. Without any difficulty that I know of.

Question. Do you believe there is a disposition throughout your community to obey the law and execute its provisions?

Answer. I think there is with a great majority of the people.

Question. I presume there is a lawless portion in every community?

Answer. I suppose so.

Question. Do you think it is larger in this community than in other communities, upon the average?

Answer. I do not know what the proportion is in other communities. I should think there was not much more here than in other communities; though I do not know about that.

Question. I ask you, as a prosecuting officer, a member of the bar, and a citizen of the State, whether you consider that life and property are reasonably secure under the laws of Georgia and the laws of the United States as they now exist?

Answer. In most sections of the State I would say that they were. I think, however, that there is not as much security in some places as in others; I infer that from report.

Question. Be kind enough to designate those points to which you refer.

Answer. Well, these indictments are against parties in Haralson, Gwinnett, Walton, and Floyd Counties. I would not say that in all of those counties there was a great deal of insecurity; I do not know about that. You know, a bill might be found upon one isolated act. I have not heard of many acts of violence in Walton or Floyd Counties.

Question. Although you are unable to include the whole of the counties named by you in the charge of being in an insecure condition, do you include the rest of the State as being secure?

Answer. Do you mean, do I say that the rest of the State is quiet, and that life and property are secure?

Question. Yes, sir.

Answer. I cannot answer, except from rumor, because a great portion of the State I have not been in for years.

Question. Then, so far as your knowledge and information extends, what do you say?

Answer. The information I obtained from certain localities is conflicting; I do not know what the truth is, not having been to those counties. I hear some men make one statement and others deny it; I do not know what the truth is.

Question. Our object is—it is mine, certainly, and I believe it is the object of this subcommittee—to ascertain the condition of affairs in the several States, in Georgia among others. As you are an officer of the United States, a gentleman of position, a member of one of the learned professions, a practicing lawyer, to whom from your position most of these circumstances would necessarily be made known, I have thought that you would be enabled to give us an opinion founded upon knowledge of the facts relative to this subject. For that reason I have asked these questions of you, having suggested that you should be called before the committee.

Answer. I can give you an opinion, but I cannot swear to facts outside of my own knowledge, which is confined to certain localities. My opinion is that nearly all of the State is peaceable and orderly, but not all of it.

Question. Do you believe the evils that exist are within the remedy of the State laws and authorities?

Answer. To a certain extent they are. I do not think any evil is entirely within the control of State and Federal courts here or anywhere else. I think they can only keep crime down, not extinguish it.

Question. Do you consider the laws and authorities of this State are sufficient to remedy the evils which you say exist in certain portions of it?

Answer. In some degree they are.

Question. Are they so in the average degree of human legislation?

Answer. I am not prepared to say that they are not; I do not know that they are not. I have my doubts as to some localities in the State, to be candid with you, speaking now from the information I have derived from others. I think, however, that in nearly all the counties the State laws and the State courts will be sufficient to preserve order.

Question. And to punish offenses?

Answer. Yes, sir; and to protect life and property.

Question. Do you know John L. Coley?

Answer. Yes, sir; he was before the grand jury.

Question. Were indictments found against any one upon his testimony?

Answer. Yes, sir; combined with other testimony, bills were found against ten men.

Question. Relating to the outrage inflicted upon his person?

Answer. Yes, sir.

Question. Under those indictments those parties will be brought to trial?

Answer. If they can be arrested.

Question. Do you anticipate any difficulty at all in bringing them to trial?

Answer. You know that men sometimes attempt to avoid arrest.

Question. Do you anticipate any difficulty, except in that way?

Answer. O no, sir.

Question. Their only means of avoiding arrest is to escape?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know whether the marshal has found it necessary to call in military aid to assist him in making arrests?

Answer. I think he has.

Question. Do you know whether he has been obliged to make arrests clandestinely, so to speak, or whether he can go in open day and arrest men?

Answer. Sometimes they go in the night. I think they told me that, in some places, they would not be safe without some force with them.

By Mr. BAYARD:

Question. Is that in cases growing out of a violation of the internal revenue laws in distilling cases?

Answer. Yes, sir.

Question. Those are the cases you refer to?

Answer. Yes, sir. We have not sent out warrants in these last cases.

By the CHAIRMAN:

Question. Have you seen any disposition, either in the State tribunals or in your own court, to treat these prosecutions under the enforcement act as political in their character?

Answer. Some people regard them as political in their character; others do not.

Question. Has there been any greater hesitation in finding bills or bringing in verdicts in those cases than in ordinary criminal cases?

Answer. None of those cases have been tried.

Question. Has there been any attempt to bring any of the so-called Ku-Klux cases before the State tribunals?

Answer. I have heard of some.

Question. Have you ever known a case for any of these injuries, or personal violence, by what are popularly called the Ku-Klux, to be successfully prosecuted to conviction and punishment?

Answer. I have heard that some were, but I do not know.

Question. In what counties?

Answer. In Chattooga County, I think. I do not know whether the case in Bartow County is of that character or not; I do not know anything about it.

Question. What information have you of the existence and operations of this secret organization called the Ku-Klux?

Answer. I know nothing except from hearsay. I have heard witnesses here testify on the subject before the grand jury, but their testimony has been confined to particular acts, which they witnessed, by bands of men. The extent of the organization, if there is such a one, they do not pretend to know. They have only testified to what facts they are personally cognizant of.

Question. You have been living here all your life, as I understand?

Answer. Yes, sir.

Question. How long ago did you first hear of the existence of what is known as the Ku-Klux organization?

Answer. I do not remember to have heard of it before the year 1868.

Question. In how large a portion of the State is that organization popularly supposed to exist?

Answer. I do not know.

Question. From all the information you have obtained, from all the means you have of forming an opinion about it, what do you suppose yourself is the extent of the organization?

Answer. From the statement of witnesses that have been here——

Question. I do not confine my question to that, but I refer to every means of information which you have.

Answer. Well, nearly all that I know is from these witnesses. I have had witnesses here from the greater portion of the northern district—I mean from a considerable portion of it. I attach more importance to what they testify than I do to any mere rumors that I hear outside. I have examined witnesses from several counties in the northern district. From their testimony I have no doubt that in those counties there have been bands of disguised men. The extent of the organization I know nothing of, neither do they. They testify to those bands coming on them at different times, and to what they have done.

Question. Is there such a general similarity in their operations as to justify the belief in a community of purpose on their part, the belief that these different bands are parts of one whole organization; in other words, that the Ku-Klux organization is one organization, which manifests itself at different points?

Answer. I have no means of forming any reliable opinion as to whether it is a general organization or not. All I have heard is in regard to particular acts done in certain places.

Question. What has been the tone of the press in this State in regard to the Ku-Klux organization?

Answer. I think the press of the State now is almost universal in its condemnation of it.

Question. Has it been so all the time?

Answer. There have been very few exceptions, if any.

Question. Has there been any denial of the existence of the organization?

Answer. Yes, sir.

Question. What portion of the press has denied the existence of the organization?

Answer. Well, nearly all the press in this State is democratic.

Question. Does any portion of your press still deny the existence of this organization?

Answer. I think so; I have not read a great deal upon that point in the newspapers; I have not seen that question discussed, as to whether it was a general organization or not. I do not myself know of any general organization.

Question. I do not suppose that you know, from personal knowledge, of any organization of the kind?

Answer. No, sir; only so far as I have ascertained what they have done in certain places.

Question. The complaints which have come to your official knowledge have been principally from the four counties you have named?

Answer. Complaints have come from other counties, but no bills have been found.

Question. What other counties?

Answer. From Jackson and White Counties.

Question. Are the commissioners throughout this district pretty much appointed?

Answer. United States commissioners?

Question. Yes.

Answer. No, sir.

Question. How many are there?

Answer. I can think of but four now; three here and one at Dalton, perhaps. There may be others, but I have had no occasion to inform myself upon that point.

Question. Has there been much resistance to the internal revenue laws?

Answer. In many of the rural sections there is a great disposition to evade the revenue laws. I think there are in the neighborhood of two hundred and fifty indictments now pending here against parties in this district for violations of the revenue laws, nearly all for illicit distilling.

Question. To what portions of the district do those indictments relate?

Answer. Mainly to the northern portion, but some to all parts. There is a great disposition among the country people in North Georgia to distill, without leave or license. It is an old habit, and they are not inclined to break it off.

Question. You have been asked in regard to this case of Lowther. Have you made a sufficient examination of the case to be able to state whether the account which he gives is reliable or otherwise?

Answer. I have no means of testing the truth of his report.

Question. You were not acquainted with him until you saw him here?

Answer. No, sir.

By Mr. LANSING:

Question. I understood you to say that there were a number of complaints before your late grand jury upon which bills were not found?

Answer. Yes, sir.
Question. About how many?
Answer. Do you mean against how many persons?
Question. Yes.
Answer. I cannot remember precisely; I suppose from thirty to fifty.
Question. You say there are portions of the State where perfect order does not prevail?
Answer. Yes, sir.
Question. Do you understand that those disorders are what are generally understood as Ku-Klux disorders?
Answer. Yes, sir; I refer to that class of disorders.
Question. Next after violations of revenue laws, have you had any such number of complaints in relation to other matters as you have had for cases of personal violence, or what are popularly known as Ku-Klux outrages?
Answer. No, sir; indictments upon other grounds are not very numerous.
Question. And the evidence in those cases shows that those acts are committed by bodies of men apparently acting in concert?
Answer. Yes, sir.

By Mr. BAYARD:

Question. In the cases of those violations of the peace which are known as Ku-Klux operations or outrages, have you been able to trace any political character in them, or are they anything more than the usual disturbances which occur in communities?
Answer. In White and Habersham Counties, if there is any organization, I am inclined to think that it is for the protection of distillers, and for the purpose of making war upon everybody who tries to bring them to justice. In Haralson County, where a number of bills have been found, they have had considerable political excitement. They have had recently there an election for a member of the lower house, on account of a tie in the regular election. I do not know whether it was on account of political excitement there or not that they have made these visits to people's houses and whipped them.
Question. Do you remember the case of Mr. Coley?
Answer. I do not know what they whipped him for.

By Mr. SCOFIELD:

Question. So far as you know, are the perpetrators of these outrages members of one political party and the victims members of the other?
Answer. I think that the majority of those who have been assaulted have claimed to be members of the republican party.
Question. Did you ever hear of a democrat being assaulted by the Ku-Klux?
Answer. There was one man before the jury who said he was assaulted, and he claimed to be neutral.
Question. For what was he assaulted?
Answer. He said it was because they had alarmed some of the freedmen that he had hired and were about to break up his farming operations, and he had been using some pretty strong language in regard to them.
Question. They had been whipping his men?
Answer. I do not know that they whipped them; they had alarmed them.
Question. He had been condemning the Ku-Klux, and said that he was neutral in politics?
Answer. Yes, sir; I did not ask very many witnesses what their politics were. The most of those who have been whipped were negroes; but several white men have been beaten.
Question. Your information in regard to the matter is very limited. Either nothing of the sort has occurred about you, or you have very little knowledge of it?
Answer. Nothing of the kind has taken place near this city. These occurrences take place in the thinly-settled portions of the State. Haralson County is sixty miles from here; White County is farther off; Jackson County is forty miles off; and I suppose that Walton County is still farther distant. I have no means of knowing personally many of these things. I am telling you what I have learned here from the witnesses brought from those sections.

By Mr. BAYARD:

Question. Were you a judge of a State court before you were appointed to the position of United States district attorney?
Answer. I was judge of the superior court of this circuit, the circuit including Atlanta, previous to the 3d of July, 1870, when I resigned. After Mr. Akerman was made Attorney General I was appointed to the office of United States district attorney.

ATLANTA, GEORGIA, *October* 21, 1871.

MARY BROWN (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I do not know my age; I was born in White County, Georgia, and I now live there.

Question. When did you come from that county here?

Answer. I came down on Wednesday morning last.

Question. For what did you come down here?

Answer. To give evidence against the Ku-Klux.

Question. What evidence did you come to give in regard to them?

Answer. I came to give evidence of how they treated me.

Question. Tell us all about it.

Answer. They came to my house on Sunday morning, the 21st of May; it was between two and a half and three hours before day that they came. They came up to the house with a dreadful noise; for a few minutes I hardly knew how I did feel. After they broke the doors open and came in I got over my scare, for I said to myself "I have not done anything; I have not stolen anything, or murdered anybody; so I will not be scared." They took my mother out first, and asked her where I was; she told them I was in the house. They said: "Make up a light; we are going to kill her." She asked them "What for?" I did not get a chance to speak to her and tell her to hush, for I wanted to hear what it was for. They took Joe out of the house (he is my husband) and stripped him naked and whipped him terribly; they beat him with very large cane-poles, as large as any of these chair-rounds here. There were a couple of new hoes sitting in the yard, and they broke one handle over his head. They then put a chain around his neck. I was the last one they took out of the house. They just dragged me out in my night-clothes. They said: "What is that you are going down to Atlanta to swear about? Tell us all about it; what men are those you saw?" I said, "Hold on; I cannot talk to about forty of you; give me time, and I will talk." They said, "We are not going to hold on at all; we are going to kill you." I said, "I hope you will not kill me; spare my life." He said, "I do not know whether we will or not." They threw me down on my face, stripped my clothes up over my head, and gave me about twenty-five licks before they let me up. They then jerked me up, and said, "Now tell us who are those you are going to swear against." I said, "I will tell you; I did not know I was going to swear to any one." They said, "We heard you was." I said, "You can't prove it." They said, "We can prove it." Said I, "Prove it; that is all you have got to do." They said, "We can prove it." Said I, "I would like to see you." There was one fellow there, a close neighbor to us, of the name of Coleman Alley; he ran up and struck me on the head with a pistol, and said, "Don't dispute my word; a white woman told me all about your going to swear." I said, "She told you more than I know, then." Two fellows, Isaac Oakes and Dick Palmer, come up and said, "Now, Mary, just tell us what you know, and you shall not be hurt." I said, "No difference, I thank you; I do not care, for I have been three-thirds killed now. I am going to tell the truth if I am shot down the next minute." They said, "What individuals did you meet down the river?" I told them it was Bailey Smith and Frank Hancock. They said, "Where were they going?" I told them that I did not know; that I came down the river to get some cotton from a neighbor-woman, and just as I came back I was plaguing a girl living with me about some dark black-boy that I told her I had met. I did not more than get down in my chair till I heard both guns go off, and I could hear the women-folks holloing. Next morning, about 10 o'clock, her sister came down and said Mr. Cason was killed. But I did not tell anything about that until they came round. They said they came to whip me about that; that they heard I was going to swear it. I said I had not told any person. They said I was the only evidence against him; that he knew that I knew him when I met him in the field, for he got about four corn-rows from me and stooped down. Hancock says, "Who is that?" He says, "That's Mary Brown;" and he turned round and looked at me very hard, and I looked at him, too.

Question. Did they whip you any more that night?

Answer. Yes, sir; they cut me all to pieces; they left great marks on me; I could not sit up for about three weeks after that. After they got done with me everything I had on they stripped off; I shook with cold for about four days. After they got done with me Oakes and two boys, Albert Henderson and Henry Henderson, came up with a rope. They had a chain around my neck, and they drew on it until they choked me so that I fainted. Some of them said, "Boys, that's enough; don't do that; that's over the law." They jerked me up and tousled me about until I sort of came to myself again. One of them said, "I would rather kill her right now." Another said, "O, no; she hasn't done anything; let's not kill her." Some of them said, "If I had known she had not done anything more I would not have come; but I allowed she had done something." The other one said, "That is all we know." Then, on the

fifth Sunday of October, a year ago. Bailey Smith, Frank Henderson, Tom Oakes, Albert Henderson, and Henry Henderson came on by Mrs. Henderson's, and four of us—the girl living with me, my husband, myself, and another person—were standing there a little apart. Mrs. Henderson said, "Do you know, Mary, where those men are going?" I said, "No, I don't: I am sick now, and I want to trade and go home." She kept on asking me. I said, "Where are they going?" She said, "They are going to kill Cason." I said, "They are not: I am going to Cason's in a few minutes." She said, "Don't go there: you will be killed." I said, "Why?" She said, "Because we don't want any persons down to-day." In a short haste of time, about a quarter of an hour, these men came on. Isaac Oakes came with his coat about his shoulders. He beckoned to Mrs. Henderson to come to him, and said, "How long have the boys been gone?" She said, "Not more than out of sight." He says, "I don't want them to do that shooting to-day." When she came back I said, "Where is Isaac going?" She said, "They don't want the boys to kill Cason to-day;" and then she told me to go round the house and draw some beer; and I went round there. Her telling me that these men were going to kill that man, I suppose she got afraid I would tell the folks of it, and she told Mr. Oakes that I was going to swear about those men. She said that it would be a very good idea to go and give me a right good whipping, or scare me away from the place: that I ought to have a clear whipping. She told me what she told them, and said that it was because she was afraid I would tell it.

Question. That is what they whipped you for?

Answer. That is all. You can ask the whole county, and they will tell you that is all they had against me. My meeting the two men on Wednesday evening was the first start of it.

Question. Were those two men supposed to have killed this Mr. Cason?

Answer. Mr. Cason was a white man and a revenue officer, and they were supposed to have killed him.

Question. You had seen these two men?

Answer. They were not colored; they were as white as you are; but they had their faces blacked and hair tangled. The reason I knew Smith was that I worked for him the day before that. He said he wanted his party to Ku-Klux me away, for I was the only evidence against them.

Question. Were the people who whipped you disguised?

Answer. Some of them were.

Question. How were they disguised?

Answer. One of their faces fell off in the yard, and I allowed to fetch it here, but I came off without it. There was a little strip of cloth, about seven or eight inches wide, over their face, and they would raise it up to spit, so that I saw them. Some of them fell off. Coleman Alley did not have on anything. Isaac Oake's face fell off, and we picked it up the next morning.

Question. What did they whip your husband for?

Answer. Not anything, except because they could not make him vote the democratic ticket. I suppose that is all they had against him.

Question. This was last May?

Answer. Yes, sir; the 21st of last May.

Question. How many blows did they strike you in all?

Answer. I reckon they gave me betwixt seventy and eighty licks.

Question. With what did they strike you?

Answer. With hickory switches; they were as large as my thumb, and all the can part they wore out. We found them the next morning; the ends of the switches were all frazzled; I saw that before they struck me.

Question. How many switches did you find?

Answer. We found five hickories up by the fence, where they had dropped them in order to get on their horses.

Question. You say they stripped you entirely?

Answer. They had me there about the yard as naked as I was born.

By Mr. SCOFIELD:

Question. How many were there in all that visited you?

Answer. I do not know; I heard that there were forty came to our house that night; but, you know, I did not know all of them.

By the CHAIRMAN:

Question. Were they riding or walking?

Answer. Most of them walked; a portion were riding; some rode double, behind each other.

Question. Were the horses disguised?

Answer. Two of the horses had blankets thrown over them. There was the worst carryings on there that ever you saw.

Question. Were any others whipped there besides your husband and yourself?

Answer. They gave the girl that was staying with me five licks.
Question. Did they do anything to your mother?
Answer. Yes, sir; the rest they made show their nakedness; they did not strip them, ; they made them show their nakedness. Well, it was the terriblest carrying on you r saw; they had a powerful show; you never heard the like.
Question. Did they do anything improper to the girl except to give her five licks?
Answer. They made her show; I do not know that they did anything else but the licks.
Question. Do you know of any other persons in the neighborhood that have been ipped?
Answer. They came down to Mr. Meadows's, an old black man by the name of Uncle Meadows; they took him out and hanged him; his daughter followed on, and they l her to go back, but she would not; she gathered up a fence-rail and knocked one hem down; they asked him afterwards what ailed him; he said he just got drunk, some fellow gave him a lick; he would not own that the girl struck him at all, she gave him an awful lick on the temple.
Question. When was that?
Answer. Along in February.
Question. Before they whipped you?
Answer. Yes, sir; I never took any particular notice of the time; I cannot tell exly; they went to several neighbors' houses that night; they came to my house ce; the first time they came they came on Tuesday night. I had left my two little ldren there, eleven years and seven years old, and had told them I would be back t night. I went to the gold mine to get some money that was owed me. I staid at sister's that night, and I said to her that I had dreamed that the house was afire. ent home the next day, and when I got about two miles from home I met the chiln, and they said: "Ma, I thought the Ku-Klux had got you." They told a dreadtale; but they did not frighten the children, and I allowed if it did not frighten m it should not frighten me. I asked the children who they knew of them; they l that Mr. Alley made up a light before they came to the house.
Question. Was that before they came and whipped you?
Answer. Yes, sir. They told the little boy to tell me to be sure and leave in ten days. ne of the neighbors said that I had better not leave, that they were only trying to re me off because I knew something; but I felt very uneasy when night came.

By Mr. BAYARD:

Question. Have you been examined before the grand jury?
Answer. No, sir; I came up here, but I did not tell them anything at all.
Question. You have not made any statement of these facts anywhere else.
Answer. No, sir.
Question. This is the first time you have stated your case?
Answer. For about nine weeks after they came last time I did not see the inside of house; I did not get a chance to make any crop. There were five that had navy olvers all around my head, and said, "Speak, and tell the truth, or we will shoot n down." I said: "I do not intend to tell anything but the truth."

By Mr. VOORHEES:

Question. Do you live at home now?
Answer. Yes, sir.
Question. Are you going back home now?
Answer. Yes, sir.
Question. Are you afraid?
Answer. I am afraid; but there are soldiers camped about a half a mile from my use.
Question. Were they camped there last spring?
Answer. No, sir; they have lately come there.
Question. How far do you live from here?
Answer. It generally takes from eight to nine days to go and come with a wagon; I ve heard them say how far it was, but I do not recollect. After the Yankees come ey had a suspicion, and threatened me; they got an old black lady to tell me that if ame down to Atlanta and told all their names they would kill me. I am afraid out going out any now.

By the CHAIRMAN:

Question. How long since the Yankees, as you call them, come there?
Answer. They have been there about six weeks—may be seven.

ATLANTA, GEORGIA, *October* 21, 1871.

OLIVER T. LYON sworn and examined.

The CHAIRMAN. This witness having been called at your instance, Mr. Bayard, you will commence his examination.

By Mr. BAYARD:

Question. What is your age?
Answer. I am about thirty years of age.
Question. Where are you from?
Answer. I was from Maryland, originally.
Question. What is your present occupation?
Answer. I am a railroad contractor.
Question. How long have you been in Georgia?
Answer. Since the spring of 1866.
Question. What was your occupation during the war?
Answer. I was an officer in the United States Army.
Question. In what regiment?
Answer. In the second Maryland regiment.
Question. Did you continue in the Army during the war?
Answer. I was in the Army for three years and four months.
Question. Did you come to Georgia at the close of the war?
Answer. Yes, sir; I engaged in planting here in 1865, but I did not come myself until the spring of 1866.
Question. What have you been engaged in chiefly since you came to this State?
Answer. Chiefly in planting, and in railroad business.
Question. Has that led you to travel a great deal through the State?
Answer. I have driven through the State, from north to south, three times, and I have seen a great deal of the people of the State?
Question. Has the fact that you were an officer in the United States Army been well known to the people here?
Answer. I think it is universally known to those who know me. Sometimes I meet a man who did not know it at the time, I could tell that from his remarks; but some one would very soon tell it, or I would tell him myself, as occasion would offer.
Question. May I ask you what are your political affiliations?
Answer. I was a Union man, and I have always voted the republican ticket.
Question. Did you vote for the present President of the United States?
Answer. Yes, sir.
Question. After you came to Georgia, did you or not exercise any political function in the way of registration here?
Answer. For the first year or two politics were scarcely mentioned here. Then I was appointed superintendent of registration to assist in the managing of elections in three counties at two different elections, one for the convention and one for State officers.
Question. What were the names of those counties?
Answer. Colquitt, Thomas, and Brooks Counties.
Question. Who appointed you?
Answer. Mr. Hurlbut.
Question. Were you appointed under a republican administration?
Answer. Yes, sir.
Question. Did you witness those elections?
Answer. Yes, sir.
Question. Describe the conduct of those elections under your supervision?
Answer. We made our appointments at each district for the citizens, black and white, to meet us for the purpose of registration. We got into a buggy and drove to each precinct, and occupied one, two, or three days, as was necessary, in registering the names of those eligible. We questioned them as we were directed to do by the superintendent of registration, and those that were eligible we registered, and those who were not, we would not register.
Question. Did you supervise the elections when they came on?
Answer. Yes, sir. When the election came on I received the ballots for the convention, and also for State officers; we had two elections.
Question. Did you regulate those elections yourself?
Answer. I managed the last election myself as president of the board of registration; in the first election I was one of the registrars.
Question. Were the elections fair and orderly?
Answer. Yes, sir.
Question. How did you regulate them?
Answer. It was in a court-house; I saw that there was a disposition for the whites and blacks to keep apart; and just so long as that pleased both parties I allowed it to

. I could not run all the whites and all the blacks at one time, so I took some of hites and some of the blacks. One time when I turned to take some of the col- otes some white men in the house did not seem to like it. I said, "Now, just get om here, gentlemen; I will vote every one through the window; I have let it go ay so long as it is satisfactory; I will now vote each color for half an hour at a e." I then opened my watch and laid it down before me; I would run the blacks lf an hour, and then wave them off and run the whites for a half an hour. The on was held three days; there was no fuss about it.

stion. Were your orders, in this respect, obeyed quietly and peaceably by the ?

wer. Yes, sir.

stion. All were placed upon a dead level of equality as to time and chance of ?

wer. Level to the minute.

stion. Did the blacks vote freely?

wer. Just as freely as the whites.

stion. Was there any interference with them at all?

wer. No, sir.

stion. Was there a free and orderly election at the last election, when General was elected?

wer. That election was held in the different precincts; I was sick at that time; the chills. There was an order issued something about negroes being required r a poll-tax before they voted, but that was abolished. I believe there was a dis- on in the morning not to allow negroes to vote unless they had paid their taxes. r two friends of mine told them that would not do; that they must be allowed to The managers then allowed them to vote, and they voted freely. In the after- I drove over three miles to cast my vote for Grant; I was one of three white men district who voted for Grant.

stion. Is that a republican district?

wer. I think we had a majority there.

stion. Is there a large negro population in those counties?

wer. I think there is a white majority in that district, but in that county there is e republican majority. The other counties that I had managed for our party be- ent democratic that time. But the republicans assured me that if I had been to have managed it I could have carried it the other way.

stion. That was because of your personal influence in the county?

wer. Yes, sir; I knew everybody, and mingled with them very freely.

stion. Your own political sentiments were well known and publicly avowed?

wer. Everybody knows them.

stion. What number of men have you in your employment?

wer. I may say I have about three hundred.

stion. Have you been in the habit of employing large numbers of men?

wer. I have controlled more freedmen, I reckon, than any other man in the State, the war.

stion. From your experience with the people of Georgia, is there safety to person roperty in the State under the laws of the State?

wer. I am not a lawyer, and I never heard a case tried in my life. But I have o dificulty either in regard to my person or my property since I have been here.

stion. Have you yourself ever been molested or insulted since you have been in ate, because of your political relations?

wer. I have had one or two little business difficulties that might not have occurred l, I do not know that I should say that. I have seen others of the same political nents getting into more difficulties than I have.

stion. Have you met with kindness, courtesy, and justice, from the people of the ?

wer. When I first came here I was looked upon as a Yankee, and you know that Yankees were a new thing down here. I was a single man when I came here, ociety was something I did not attempt to enter, as I would have done at home. not come here seeking society; however, in course of time I was introduced into st families; and I married in Georgia. In fact my whole business connection, , has been with those who belong to the democratic party.

stion. Have you maintained your political affiliations?

wer. Yes, sir; no man has any doubt about my politics.

stion. They are well known?

wer. Yes, sir.

stion. Have the facts that you were a United States soldier and officer, and a pro- ed member of the republican party, interfered with your business relations, or your personal comfort and happiness in this State?

wer. I think not, for I have not seen any time since I have been here that I could

not get any amount of work to do; and the most of the work I have had has been from men of democratic opinions.

Question. I will now ask you whether citizens from the Northern States coming down here, men of fair character and of honest occupation, have not a fair chance, and are not welcomed by the people of the State?

Answer. It has seemed to me that, if anything, they have a better chance. I can take a citizen from any section of the North, and, if he has the means to carry on any business, he can get along prosperously, and he would be welcomed by all to whom I introduced him. I do not mingle with any but the right kind of people. There are other classes, but I have never had any business with them.

Question. I am speaking now of the citizens of Georgia as a class?

Answer. I think there would be no trouble with them whatever.

Question. You have lived in Maryland, and I suppose you have been a great deal in the State of Delaware?

Answer. Yes, sir; I have been there a great deal.

Question. Are person and property as secure to-day in Georgia as they are in the States of the North, in your opinion?

Answer. Yes, sir; in my opinion they are. Take these negroes, for instance: in many instances they are not able to employ lawyers. My partner is a very strong rebel, as we used to call them. The other day they arrested one of our negroes, when we were about leaving Cuthbert, for assault and battery on another negro. My partner went in himself and told them that he did not reckon they would treat a white man thus and so, and that if the negro was not cleared, they would be dealt with. I have learned since that they had a trial, and the negro was cleared. That was a matter between two negroes. In some cases negroes are not able to protect themselves, because they have not the means to get assistance.

Question. That is a case where it results from the poverty incidental to their condition of life?

Answer. Yes, sir.

Question. Is not that the case everywhere?

Answer. I reckon it is; but I never heard a case tried in my life.

Question. Then the only cases of failure to obtain justice are where a man is too poor to employ counsel?

Answer. That is what I think. I feel no ways uneasy on account of my property, because I could afford to employ counsel. And I should employ to-day a democrat. A. T. McIntyre, of the first congressional district, is the one I would employ, for the reason——

Question. Did you vote for him?

Answer. No, sir.

Question. Does he know that you did not?

Answer. Yes, sir.

Question. A man can have his own political opinions, and not be injured by them in his business and social relations?

Answer. I think so. At the time I was registering I would decline to register the master, and would register his slaves, and they would go off and vote against him. I did a great many things that ought to have made me very obnoxious to the people; and I showed straight out why I did them. Postmaster General Creswell, who was from my town in Maryland, told my father that anything he could do for me, or for any of us down here, he would do with pleasure. I thought from that that he only wanted an excuse to give me the office of postmaster at Savannah. My partner wanted to get me in that position. They got up a petition in the district, and had it signed by all the merchants, for my appointment. The commission merchants of Savannah also got up a petition, and had it signed in my behalf. Judge Fleming drew up a petition and had the entire bar of Savannah sign it. I knew that Mr. Creswell did not endorse my politics at all, for I had gone home from the army and stood at the polls in order to help elect him to Congress. Mr. Hurlbut wrote a letter, which was the only republican recommendation I had, for I thought Creswell wouldn't want any from that side of the house. Mr. Hurlbut wrote a very complimentary letter, and Judge Alexander recommended me very highly, stating that I was a strong republican, that I had identified myself with the country, and had attended to my business. I sent those papers on, and expected to get the appointment, but I was disappointed in it. I just sent Mr. Creswell word that I would rather have my recommendations that I had sent him, and maintain my political sentiments, than to receive the appointment without such recommendations. I think that is the best evidence of how a northern man can come here and be treated, if he is the right kind of a man.

Question. He can hold his own political sentiments firmly, and yet receive kind treatment from the people?

Answer. I have done so. I am as good a republican to-day as I ever was, and I expect to remain so. I am only sorry that we have not had more men who are able to pursue

it course, for we then should have had the State of Georgia to-day just where we nt it.
Question. You mean by "we," the republicans?
Answer. Yes, sir. The trouble with us has been that young men, and old men too, who l no business qualifications, and who could make a living only by politics, would e hold of those things without any interest in the State, and get into office; many hem would do things that I would be ashamed to admit that a friend or acquaint-e of mine had done. I went on the bond of a friend of mine in Thomasville; I orsed for him, but he skedaddled, and I will have to pay the amount of his bond.
Question. Who is he?
Answer. His name is Robbins.
Question. Where did he come from?
Answer. From Connecticut, I think.

By Mr. VOORHEES:

Question. Where did he go?
Answer. I think he went to Florida.

By Mr. BAYARD:

Question. He was a defaulter?
Answer. Yes, sir; he was postmaster there.
Question. He was a political adventurer?
Answer. Yes, sir; he dressed better than I did.
Question. When a man comes here for the ordinary purposes of citizenship, settles in State, and becomes a member of the community, he has no difficulty in getting ng, whatever his political opinions may be?
Answer. That has been my experience.
Question. Do you believe that is the case with others?
Answer. I do.
Question. If he comes here as a mere political adventurer, without having any busi-ss interests common with the people, he is obnoxious to them?
Answer. I do not want him to come here myself.
Question. And that is the feeling of the people?
Answer. Yes, sir.
Question. They do not object to those who come here intending to become members the community, and to live here as other people do?
Answer. No, sir.
Question. Having employed a great number of negroes, I will ask you if you have own of many cases of oppression of them by the white race?
Answer. Well, no, sir; not personally.
Question. Do you know more cases of the kind here than occur in other States?
Answer. I do not know anything about it in other States, only what I read, and I y no attention to that.
Question. Do you believe that, as a rule, to-day in Georgia a man can have justice ne him as to his personal rights, and his rights of property, irrespective of color or litical views?
Answer. I do; at least, that has been my experience.
Question. Do you believe the laws of Georgia are ample to protect a man, and are fficiently well executed to do so?
Answer. Yes, sir.

By the CHAIRMAN:

Question. When did you come to this State?
Answer. In the spring of 1866.
Question. When was it you held the elections in the counties you have named?
Answer. I think I commenced the registration in the spring of 1867, and I believe the ection for the convention was held the same spring, and that the election for State ficers was held that fall.
Question. You say the elections in those counties were fair elections?
Answer. They were fair.
Question. Everybody who was entitled to vote had an opportunity to vote his real ntiments?
Answer. Yes, sir; I was sworn to do that, and I handled every ballot in two of the unties myself.
Question. You are satisfied that was done?
Answer. Yes, sir.
Question. I understand you to say that the elections in those counties in 1868 resulted fferently from the election held the year previous.
Answer. Yes, sir, in two of the counties it did.
Question. In 1868 you say the elections were held in the different precincts?
Answer. Yes, sir.

not get any amount of work to do [illegible] white men who voted for Gene[illegible]al
from men of democratic opinion[illegible]
Question. I will now ask you [illegible]
here, men of fair character [illegible] the postmastership of Savannah?
not welcomed by the people [illegible]
Answer. It has seemed to [illegible]ions and credentials almost entirely fr[illegible]om
take a citizen from any sect[illegible]
business, he can get along [illegible]
introduced him. I do not [illegible] indicate the wishes of the republicans?
other classes, but I have [illegible] viewed it in this way: The business of t[illegible]the
Question. I am speak[illegible] [illegible]nds of the white people; the colored people [illegible]got
Answer. I think the[illegible]
Question. You hav[illegible] [illegible]an applicants besides yourself?
the State of Delawa[illegible]
Answer. Yes, sir; [illegible] [illegible]ted?
Question. Are pe[illegible] [illegible]l appointed a colored man of the name of Si[illegible]ns,
States of the Nor[illegible] [illegible]ove of it, and appointed a young man of the na[illegible]me
Answer. Yes, [illegible]
many instance[illegible]
rebel, as we u[illegible] [illegible] him but once. I merely sent my papers to Washi[illegible]ng-
we were abou[illegible]
ner went in [illegible] recommended his appointment?
man thus an[illegible] [illegible]er did; I do not know.
have learn[illegible] [illegible]on the bonds of the postmaster at Thomasville?
ter betwee[illegible]
because t[illegible] [illegible]ppointed?
Questio[illegible] [illegible]s ago, in the fall of 1868, I think.
tion of [illegible] [illegible]faulter, and you are held liable?
Answ[illegible]
Qu[illegible] [illegible]u living now?
Ans[illegible] [illegible]bout forty miles south of here.
Q[illegible] [illegible]re you married?
to [illegible] [illegible]arried a Savannah lady, but I married in Brooks County.
[illegible] [illegible]dy you married of a republican or a democratic family?
be[illegible] [illegible] a very strong democratic family.
T[illegible] [illegible] been rebels?
s[illegible] [illegible]f the bitterest kind. We never went near her father's house un[illegible]il
[illegible]th or so.
[illegible]e, in the part of the State where you live, any organizations co[illegible]
[illegible]e Ku-Klux?
[illegible]o idea; I do not know anything about that.
[illegible]ave never seen any?
[illegible] have.
[illegible] you any reason to believe or to suspect that there are such organiz[illegible]

[illegible]; I have not. I believe this about the people of Georgia: they ar[illegible]e
[illegible]om our people in Maryland. I believe, from conversations I have hear[illegible]d
[illegible]egard to anybody, republican or democrat, if he did not do right, I
[illegible] to day, get up a number of men to help make him do right, or to pun[illegible]
[illegible]ing done wrong.
Why would they do that; because they think it is right to do so?
I do not know why they would do it. I do not know that ever has bee[illegible]n
[illegible] it will be done; but in talking with my partner, for instance, we tal[illegible]
[illegible] he knows my politics and I know his. He will say, "I can get fifty me[illegible]n
[illegible]ke that fellow do thus and so," regardless of politics.
Would they put disguises on their faces and their horses on such occasions?
No, sir; we never have had anything like that with us.
Do you think it is a peculiarity of the people of Georgia to take women out
[illegible]ouses and whip them?
I have never known anything of the kind done; I do not think it is a pecu-
[illegible] the people of Georgia.
Or to compel women to expose their persons publicly to men?
No, sir; that is all new to me.
You never have heard of anything of the kind.
No, sir; never.
Do you know whether there are, in any part of the State, any organizations
[illegible] Ku-Klux?
I do not know a thing about it at all.
You have never heard anything about it?
I have heard my partner say that he knew if there was anything of the kind

tion he would know it; but he did not know anything about such an organ-

. Have you been in the neighborhood of Rome, Georgia?
. I lived there one year when I first came here.
... When was that?
... I engaged in planting there in the fall of 1865 and quit in 1866.
...stion. Have you been there since?
...wer. Only once since; some two months ago, at an agricultural convention.
...estion. Do you know whether there has been any Ku-Klux manifestation in that ...ion?
Answer. Not at all; when I was there politics were scarcely mentioned. I believe I ...get into two or three pretty warm discussions with a few of them sometimes.
Question. That was in 1866?
Answer. Yes, sir.
Question. How long were you there the last time?
Answer Only a few days—two or three days.
Question. Have you been in the country down below Milledgeville?
Answer. No, sir.
Question. Do you know anything about the state of things in the counties of White, ...arren, &c.?
Answer. No, sir; I do not know anything about Middle Georgia, only in driving ...ough it.
Question. You say you live near this place?
Answer. Yes, sir; I live about forty miles south from here, at Griffin.
Question. You acted under the military authority of General Hurlbut in making the ...gistrations and holding the elections, of which you have spoken?
Answer. Yes, sir.
Question. He was then in command of this military district?
Answer. Yes, sir. We had soldiers with us at the last election—four, five, or six—I ...get how many. I never had occasion to call on them. The citizens had some fight ...ong themselves about a horse-trade, and I told the soldiers to go and arrest one of ...m; and they brought him in for a time. During that time I had several men come ...me and tell me that I risked too much in going about at night, as I do, by myself, any place and every place, and that I ought to be careful. I never hesitated to go any place at any hour of the night since I have been in the State.

By Mr. BAYARD:

Question. And you have not been molested?
Answer. No, sir; not at all.

By Mr. SCOFIELD:

Question. After telling us of your extensive knowledge of the State and the people ...re, I do not know whether I understand you correctly as giving it as your opinion, ...at there is no such secret organization as is understood by the term Ku-Klux.
Answer. I say I know nothing whatever about it.
Question. I do not ask your knowledge. You have given opinions about the habits ...the people, and the condition of quiet and good order of the State. I am now ask-...g you if you also give it as your opinion that there is no such organization in the ...ate as the one spoken of?
Answer. Well, I would only have to make up my opinion from what I hear.
Question. You have been asked that question; do you intend to say that it is your ...inion that there is no such organization in the State?
Answer. That is rather a difficult question for me to answer. I have no knowledge ...such an organization.
Question. I am not asking your knowledge at all; I am asking about what idea you ...sign to convey in your answers to the inquiries put to you. You have informed us ...your knowledge of the people of the State. You have said that you have traveled ...erywhere over the State; that you have business connections with a great many ...en; that you are familiar with the structure of society here; and you have given us ...ur opinion resulting from that knowledge. Now, do you mean to give us also your ...inion that there is no such organization in the State as is commonly known by the ...rm Ku-Klux?
Answer. What I wish to have inferred from all I have said, and what I think should ...inferred from what I have said is, that person and property are safe in Georgia.
Question. I know you have given us that opinion. Do you also give it as your ...inion that there are no Ku-Klux in this State?
Answer. There are none to my knowledge, or that I have any idea of whatever.
Question. Your opinion is that there are none in the State?
Answer. That is my opinion from mingling with the people, and from the informa-...on I can get. I do believe they would have told me if there had been any.

Question. You believe there are no parties who go out at night in disguise and commit outrages upon any portion of the people?

Answer. Not in those sections where I am acquainted, for I have driven in every direction, day and night.

Question. I am asking you now more about your belief, as you have been giving us your opinions upon many things. Is it your belief that no such outrages are committed in the State by men who ride about at night in disguise?

Answer. I cannot answer that, because there are certain sections of the State that I know as little about as I do about Alabama or Louisiana; you might as well ask me about Alabama.

Question. I am asking you for your opinion from the information you have. You have given us a statement of your extensive knowledge of the people of Georgia; of your travels in the State; of your business relations here; you have stated your facilities of information about this State and this people; you have given us your opinions based upon that information. Now, do I understand you also to give as your opinion, that there are no such outrages committed upon citizens of Georgia as those I have referred to, by men who ride about at night in disguise?

Answer. It is my opinion that there are none wherever I am acquainted.

Question. Then you believe that the statements which have been made to us by witnesses here yesterday and this morning are fictions?

Answer. I do not know anything about them at all. I have been over a very wide extent of country in this State; a sparsely populated region compared with Middle Georgia. I drove through the State three times to look at the country. From Rome I drove down in an ambulance in the fall of 1866, clear to the Florida line and then back again; and then I moved my entire force there, mules, wagons, and everything else.

By Mr. BAYARD:

Question. What is the name of the defaulting postmaster at Thomasville?

Answer. I think his name is Charles Robbins.

Question. You say he has gone to Florida?

Answer. I have understood so; I left the matter with the sheriff of the county, who is also on his bond; he is a democrat. I was notified the other day that I would have to pay it.

By Mr. SCOFIELD:

Question. He was appointed before General Grant came in?

Answer. I think it was three years ago this fall.

By Mr. VOORHEES:

Question. You have not heard of his getting any other appointment in Florida?

Answer. No, sir. But at the same time he was postmaster he was also assistant assessor of internal revenue.

By Mr. SCOFIELD:

Question. You recollect, I suppose, that at that period a large portion of the executive appointments were very equivocal in politics; you could hardly tell to which party they belonged; men were sometimes selected under Johnson's administration who professed themselves to some to be republicans, and to others to be democrats?

Answer. Yes, sir; I am postmaster myself at Boston, Thomas County. When I went there we had no post-office, and there was no one there who could take the iron-clad oath but myself; I did it and turned the business over to a gentleman there. It is a small place.

By Mr. LANSING:

Question. You say you pay no attention to what you read in the newspapers?

Answer. No, sir, I do not.

Question. Therefore, in expressing your opinion as to the existence of any Ku-Klux organization in this State, that opinion is based upon your own personal observation entirely?

Answer. Upon my own personal knowledge, and my acquaintance with the people.

Question. Do you attach any importance to what you see in the newspapers in relation to the quotations of prices of stocks and products?

Answer. Yes, sir; I believe them if they are official.

Question. Have you not seen in the newspapers repeated accounts of outrages in the State of Georgia?

Answer. Yes, sir.

Question. Of what are called Ku-Klux outrages?

Answer. Yes, sir.

Question. And you ignore those accounts?

Answer. They would not deter me, as a republican, from moving with all my force —day to either of those counties.

Question. This is the question I put to you: Do you ignore entirely all those accounts the formation of the opinion which you have expressed here?

Answer. Yes, sir; I pay no attention to them.

Question. Will you answer this question, if you consider it a fair one, and I hope it ill not be considered a repetition. Including what you have seen yourself, what you ve seen in the newspapers, and what you have heard from tolerably credible men, you now say that you do not believe that there is or has been any Ku-Klux organation in any part of the State of Georgia?

Answer. No, sir; I do not say that, because, as I have said, I do not know anything out certain portions of the State.

Question. I am speaking of your opinion, not of your knowledge. Taking into conideration all these sources of information, do you say now that you do not believe ——

Answer. I have never made up any opinion on that subject; I have disregarded all ose accounts, as I told you, and I have paid no attention to them.

Question. You say that in the business you have here you employ democratic coun-l. What is your reason for that, for I thought you intimated there was a reason?

Answer. The reason is, the ability of the man.

Question. Because there is no competent republican lawyer in the State?

Answer. No, sir; not because of that, but because I would not like to make a disnction on account of politics in regard to a lawyer. I would not employ one whose olitics would sway him either way, if I knew it.

Question. Do you mean to say you would not like to employ a counsel whose politics ould be obnoxious to the courts and juries of this State?

Answer. I do not say that.

Question. Is it not a reason why you employ democratic counsel, independent of his ility, that he can address himself to the court with more power in consideration of s politics?

Answer. In consideration of his ability and his justice; I would give him the prefer-ce for that.

Question. You leave out of consideration his politics entirely?

Answer. I do.

By Mr. VOORHEES:

Question. Is it not true that, taking the United States courts and the courts of this ate, members of the republican party are on the bench?

Answer. I believe that is so in most of the districts, though I know but few of the dges in this State. I know Judge Alexander in our district.

Question. Is he a republican?

Answer. I do not know.

Question. Can any man go upon the bench and hold a judgeship in this State who as engaged in the rebellion, unless his disabilities have been removed by a two-third te of Congress?

Answer. I think not.

Question. He has to take the iron-clad oath?

Answer. That I do not know.

Question. Unless he has been relieved of his disabilities?

Answer. I am very well acquainted with our judge who was appointed by Governor ullock; he did not take any part in the rebellion, but I think he is a democrat.

Question. Perhaps he has grown in grace since he was appointed?

Answer. No, sir; I do not think he misled Governor Bullock, or any one else. We re dissatisfied with his appointment politically, but personally I like him.

Question. How are the judges in this State appointed?

Answer. They are appointed by the governor and confirmed by the senate, I think. t has now been two or three years since I have had anything to do with politics, or ave thought of it, for I have been very busy.

By Mr. BAYARD:

Question. How came you here as a witness?

Answer. I did not know that you gentlemen were here until some one mentioned to e last night that you had come in. I said then that I would introduce myself to enator Bayard, as I came from Maryland and he from Delaware; but I had no idea f coming here as a witness.

Question. It was a general conversation between us that led to your being called as witness?

Answer. Entirely so.

Question. What you have stated here upon your general examination is stated for e first time to any one?

Answer. Entirely so. I have said pretty nearly the same things North that I have id here.

ATLANTA, GEORGIA, *October* 21, 1871.

MARY NEAL (colored) sworn and examined.

By the CHAIRMAN:

Question. State how old you are, where you were born, and where you now live.

Answer. I do not know exactly how old I am; I was born in Banks County; and I now live in White County.

Question. When did you come here to Atlanta?

Answer. I came here last Wednesday.

Question. What did you come here for?

Answer. They brought me here to swear against the Ku-Klux.

Question. Well, go on and tell us what you came here to say.

Answer. They brought me here to say whether I knew anything about them.

Question. Tell us what you know about them.

Answer. I know Charles Potts; I saw him; and I heard of Mr. Stobali's two boys—Tom and Albert—and Albert Henderson and Henry Henderson.

Question. Where did you see them?

Answer. They came to our house at the time with the Ku-Klux. I did not see them; I heard afterward they were there.

Question. When did they come there?

Answer. Along in the spring.

Question. What did they do when they came there?

Answer. They whipped Mary and Joe, and struck me four licks.

Question. Is Mary Brown your sister?

Answer. No, sir. I was staying there.

Question. With what did they strike you?

Answer. With a hickory withe.

Question. Did they do anything else to you?

Answer. They made me pull off my drawers what I had on.

Question. Who made you do that?

Answer. Mr. Oakes.

Question. Did they do anything else?

Answer. No, sir; only told me the next morning to go home, and not stay there at Mary Brown's. They never did anything more to me.

Question. Where did they strike you?

Answer. Struck me in the face once, and struck four times across the legs.

Question. Was that after you had taken your drawers off, or before?

Answer. After I had taken my drawers off.

Question. Did you see them whip anybody else?

Answer. I saw them whip Mary and Joe.

Question. What did they whip Joe with?

Answer. With a fishing-pole and a barrel-hoop.

Question. What did they whip Mary with?

Answer. With a hickory withe.

Question. Did they do anything to her mother?

Answer. No, sir; only made her lay down and pull up her clothes; that is all they did to her.

Question. Was that out of doors, or in the house?

Answer. It was out of doors.

Question. How long were they there?

Answer. I reckon about an hour.

Question. How many of them do you suppose there were there?

Answer. I could not count them all; they scattered every which way.

ATLANTA, GEORGIA, *October* 21, 1871.

CAROLINE BENSON (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I was forty-eight years old on the 15th of July; I was born in North Carolina; and I now live in White County, in this State.

Question. Are you any kin to Mary Neal?

Answer. Not any at all; she is living with us.

Question. Are you the mother of Mary Brown?

Answer. Yes, sir.

Question. State what you know in regard to a party of people coming to your house, if such was the fact; tell us when it was, and who came there.

Answer. It was on the 20th of May, I think; some I knew and some I did not know, because I had not lived down there long; I knew two in particular, Isaac Oakes and Coleman Alley; I knew those two men.

Question. How many of them were there in all?

Answer. As near as I can guess and recollect, I think there were about thirty-five appeared in the yard, in sight; there were some that did not come in sight, but I could catch glimpses of them in the dark. Mr. Oakes and Mr. Alley were the two men who took my daughter out and beat her; they took her about ten steps from the door, and stripped her; then there were two Hendersons, Henry Henderson and Albert Henderson, who stepped up behind her with a pistol, and asked her who she met down the river; she told them it was Mr. Smith and Mr. Hancock. They said, "How did they go when you met them?" She said, "They stepped over some four corn-rows from me." They said, "Were they black?" She said, "Yes, they were;" and she said she had not been home long enough to take her seat when she heard two guns fired, and next morning report came that Mr. Cason was killed. She recollected these men that came out of a batteau; it was not more than half a mile from my house where Mr. Cason lived; she saw some of them a while before that.

Question. Did she tell these men that when they were there that night?

Answer. Yes, sir; they commenced whipping her, and told her to tell. She said, "I can't talk, with all of you talking to me and beating me; quit whipping me, and I can talk, and one talk at a time, and I will talk to you." They went off, and Mr. Palmer questioned her; he is a lawyer in the city of Cleveland. He took her by the right hand and Mr. Oakes by the left; while they were talking, a gentleman stepped up and said, She has told the truth; don't strike her another lick." They asked her who killed Mr. Cason, and she said, "Mr. Smith and Mr. Hancock." Some men came up and said, She has told the truth; let her go." They then tore her clothes off; they did not pull them off, but just jibbeted them off, like paper; I heard them when they came up. We had been looking for them about three weeks before that, but they did not come. That was on Saturday night, the 20th of May; they just came charging up like a party of cavalry; they scared me very much, sure enough. They hollered out, "Open the door." I was frightened so I could not get up; they knocked both doors open, and I got up and made a light as quick as I could; when I had the light made up they took hold of me. I said, "What are you going to do?" They said, "We are going to kill all the free niggers as far as we go." I said, "I have not done anything." They took my youngest son, my baby, the next youngest to Mary Brown; they brought all of us out; they went back and got my son-in-law, Joe Brown, and commenced knocking him and beating him; they had big sticks, fifteen or twenty feet long; they wore out a long fishing-pole on him. They had him down, and put a chain on his neck, and dragged him about a great deal. Joe said, "I ain't done anything, gentlemen; what are you abusing me for?" They said, "We will kill you, God damn you; you shall not live here a bit." He said, "I have bought my land, and got my warrantee title to it; why should I be abused in this way?" They said, "We will give you ten days to leave, and then, God damn you, we will burn your house down over you if you don't leave."

Question. Did they do anything to you that night?

Answer. They had a show of us all there; they had us all lying in the road, Mary Brown, Mary Neal, and my next youngest daughter. They had us all stripped there, and laughed and made great sport. Some of them just squealed the same as if they were stable horses just brought out. You never saw such ill-behaved men. They knocked around as long as they wanted to, and then they said, "Now you just go away from here."

Question. Did they give any reason why they wanted your son-in-law to go away?

Answer. They just said he should not live there.

Question. Why?

Answer. I could not find out exactly. I think it was just this: When he bought his plantation there was a white man wanted it; but Joe paid the money to a widow woman who only wanted the money, and Joe had it, and the other man did not.

Question. How much did he pay for it?

Answer. He paid $120 for his part; two of them went in together—he and another black man named Jim Dover; they two went in together and bought the land.

Question. Is Cleveland the county seat of White County?

Answer. Yes, sir.

Question. How far did you live from Cleveland?

Answer. Between seven and eight miles. I believe they generally call it seven miles.

Question. You spoke of a lawyer by the name of Palmer. Had he had anything to do with defending the men charged with killing Cason?

Answer. I do not know anything about that. Just about two weeks I met Mr. Alley at Chattahoochee bridge; I was going to the store; he said, "Good morning; are you running away?" I said, "No, I am going to the city." He said, "We were not after you; we were after Joe Brown and Mary Brown." I would not question him; I was afraid; I was by myself and did not know what he would do. When I got back I told

my old man what Mr. Alley said to me; I think all this was about Mr. Cason's death because they thought Mary knew something about it, and they wanted to try and g[illegible] her out of the way; a white woman told me that was what we were Ku-Kluxed for.

Question. Do you recollect to have heard anything said by anybody there that nigh[illegible] about their being sent there?

Answer. Mr. Oakes and Mr. Alley said they had been sent for a long time to come a[illegible] do that; that they had had orders from Governor Bullock to come and do it; I sto[illegible] off and listened good, and saw all that was done, because I wanted to see it.

Question. Do you know any other people who have been whipped or abused by K[illegible] Klux in the county?

Answer. I do not know particularly. I did hear of some black ones on Mossy Cre[illegible] that they went in on that same night and whipped a black woman and a black [illegible]a pretty nigh to death.

By Mr. VOORHEES:

Question. Have you been before the grand jury here?

Answer. Yes, sir.

Question. Have you given the names of these men to the grand jury?

Answer. I gave only the names of Mr. Oakes and Mr. Alley.

Question. Why did you not give all the names?

Answer. I was afraid they would bother me and curse me.

Question. Who would bother you?

Answer. These other men.

Question. The men in the neighborhood?

Answer. Yes, sir.

Question. Is that the reason why you did not give their names?

Answer. Yes, sir. They said that if we came down here and swore against them they would kill us.

Question. Why did you not give the names of the balance of them?

Answer. I thought if I could get them in you would catch the balance.

Question. You should have given to the grand jury all the names of the men who act in that way.

Answer. I thought if you got them you would catch the balance.

Question. Did you know the names of all the rest?

Answer. I knew Henry Henderson and Albert Henderson; Mr. Stoball's two boys I did not know; I knew Mr. Palmer, and Mr. Potts, and Mr. Frank Comer; then there was another gentleman on the other side of the river there, Mr. Miles Meadows.

Question. Were there any more?

Answer. Yes, sir; there were some more that I cannot recollect the names of.

Question. You did not tell the grand jury of these names?

Answer. One of our witnesses had said I had better just say so many and not be bothered about it.

Question. Were you not asked about the others?

Answer. I only spoke of those two, because they led in it.

Question. You wanted to let up on the others?

Answer. No, sir; not that; I wanted to have you get those two, because they led [illegible]n it.

Question. You did not want to punish any of the rest?

Answer. I wanted to punish all the rest.

Question. How could they be punished if you did not tell about them?

Answer. They were the ones that got the rest into it.

Question. Did any one tell you not to give in those names?

Answer. No, sir.

Question. Did you talk with the prosecuting attorney about it?

Answer. No, sir.

Question. Was he in the grand-jury room when you were examined?

Answer. I do not know; I reckon he was.

Question. Did you tell the grand jury you did not know any more than those two men?

Answer. I said I knew those two particularly. There were some there with false fa[illegible]ce and some not; some did not get off their horses, and others just staid about there.

ATLANTA, GEORGIA, *October* 21, 187[illegible]1.

RACHEL ARNOLD (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I do not know exactly how old I am. I think I am somewhere from twen[illegible]ty-two to twenty-five years old; I was born in White County, and I live there now.

. When did you come to Atlanta?
. I came last Wednesday morning.
. Tell us what you know, if anything, of any doings of the Ku-Klux.
When they came to my sister's they did not whip me any, but they whipped er-in-law.
. You are a sister of Mary Brown?
. Yes, sir.
. And your mother has just been examined here?
Yes, sir.
. Were you there on the night these people came to their house?
Yes, sir.
. What time did they come?
It was not a great while to day; daylight was breaking when they left; n but a few weeks there when they came there; it is not my regular home.
. Did they do anything to you?
They never hit me; they only just pulled me out of my bed and carried us the yard.
. Did you see the others whipped?
Yes, sir.
. How many blows do you suppose they struck your sister?
I did not see all; they carried her away from me, on one side; they had her ce and me in another.
. Did she cry out and scream while they were whipping her?
Yes, sir; some.
. Did you see her after she had been whipped?
Yes, sir.
. Did she have any marks of the whipping about her?
Yes, sir.
. How long did she carry them?
She went away on Tuesday, and I did not see her for five months, until she .
. Was she dressed when they whipped her?
No, sir; they tore her clothes off and made her lie down in the yard. Two l on her, one on her head, and the other on her feet; and then they whipped they were standing on her.
. Where did the man stand who whipped her?
He stood off sort of one side.
. How many blows did he strike her while she was in that condition?
I do not know how many; a great many.
. Was she naked when they whipped her?
Yes, sir.
. Did they interfere with your clothes at all?
Not any more than they made us all lay down, children and all, and show

. Were the men who stood on your sister and the man who whipped her dis-

Yes, sir.
. Did you know them?
No, sir.
. Did you know any of the men who were there?
Yes, sir; I knew one.
. Who was he?
His name was Frank Comer.
. How did you happen to know him?
I saw his face. He just had a small piece of cloth over his face, with a it, like a veil. He stooped down to spit, and I saw his face; I knew him very lives in Cleveland.
. What does he do there?
He is clerk for his father in a store.
. Have you heard the names of other parties who were there?
I heard my folks talk about some others.
. I did not ask you to give their names, but I ask you if those persons lived mediate neighborhood, or off at some distance?
They lived some distance from there.
. Were any present from the immediate neighborhood around you?
Yes, sir; I think so. I am not very much acquainted where my folks live; tay there at all.
. You happened to be there then?
The man I had been staying with had moved to South Carolina, and I had

just gone home on a visit. I had only staid there a couple of weeks when this [redacted] place, and then I went away again.

By Mr. VOORHEES:

Question. What day of the week did this take place?
Answer. I do not remember.
Question. Where did your sister, Mary Brown, go the next Tuesday?
Answer. I think she went down to Dahlonega.
Question. How long did you stay there?
Answer. I had been there about two weeks when this took place.
Question. How long did you stay there after that?
Answer. I left when my sister did.
Question. How far is it to the place where your sister went?
Answer. About fifteen miles.
Question. How did she get there?
Answer. She walked, I reckon; she went away from home walking.

ATLANTA, GEORGIA, *October* 21, 1871.

SARAH McCOY sworn and examined.

By the CHAIRMAN:

Question. Will you state what is your age, where you were born, and where you now live?
Answer. I am going on seventeen years of age; I was born in Cherokee County; and I now live in Cass County.
Question. When did you come to Atlanta?
Answer. On Monday last.
Question. With whom are you now living?
Answer. With my father.
Question. You are unmarried?
Answer. Yes, sir; I am not married.
Question. Do you know of any interruption or disturbance of your father by people that are called Ku-Klux?
Answer. Yes, sir.
Question. State what it was, when it took place, and all about it.
Answer. In 1870 they burned my father out in Cherokee County, and swore that they would kill him if he ever came back to that county.
Question. Who did that?
Answer. Willis Hurd, Byrd Covington, Jim Jones, Jerry Elroy, Jack Covington, Dick Covington, William Edwards and his sons, Tobe Owens, Jack Owens, Bill Pitts, Lawson Pitts, Alfred Pitts, Bill Hurd, Reuben Hill, John Waters, and some others, whose names I cannot think of just now.
Question. At what time did they come to your father's house?
Answer. About an hour in the night.
Question. Were you in bed?
Answer. I was not.
Question. Just tell us what they did when they got there.
Answer. I was sitting by the fire when they came in. They knocked at the door, a very heavy knock. I asked who was there, and did not receive any answer at all. I rose to my feet, and started for the door. By that time the door was bursted in and they came in shooting, and cursing and swearing. Willis Hurd and Byrd Covington laid hold of a woman that father had hired to stay with us while he was gone. They could not get her out of the house, and then Jerry Elroy laid hold of her, and they took her out. My sister was in bed, sick; a man jerked her out of the bed did not know him, but my sister says she knew him. One went to father's bed to see if he was there, but he was not there. They jerked the bed-clothes off the bed, and tore them all to pieces, and swore that if father ever came back there they would kill him, because he is a Union man. They then drove us out of doors into the yard, and would not give us a shawl or a bonnet to put on. They did so much I hardly know what they did do; some did one thing, and some did another.
Question. Did they burn the house?
Answer. Yes, sir, they burned up my father's house, and killed my father's mule and one of his cows.
Question. When was that done?
Answer. In February, 1870.
Question. Was the house burned, and were those animals killed the night you have been speaking of?

nswer. No, sir; the house was burned that night, but the animals were not killed nb dead then; they were shot, and died in a few days.
uestion. Where were you when the house was set on fire?
nswer. I was standing in the yard.
uestion. Did you see them set fire to the house?
nswer. Yes, sir.
uestion. Who did that?
nswer. John Hurd and Jim Jones.
uestion. Where did they kindle the fire?
nswer. One of them kindled a fire right in the middle of the floor. Father had a e chest, a little grain higher, I reckon, than this table, in which he used to keep money. They bursted that open with a hatchet, and, after they got done looking ugh it, they built a fire in it.
uestion. Did they take anything away that your father had?
nswer. I saw them put in their pockets little things out of father's chest. We do know whether they took his money or not.
uestion. Did your father have any money in the chest?
nswer. Yes, sir; and I reckon they took it, or we would have found part of it.
uestion. Did you stay there in the yard until the house was burned down?
nswer. Not until it was burned plumb down; they kept us there until about two rs before day. It was very cold, raining and snowing, and the rain froze as it fell.
uestion. At what time did these men go away?
nswer. I do not know; they drove us away before they left.
uestion. Were they on horseback or on foot?
nswer. They were on foot.
uestion. Were they disguised?
nswer. Yes, sir; some had their faces all black, and some had large white rags ed on their clothing.
uestion. Did they give any reason why they did this?
nswer. Yes, sir; they said father should not live in that country, because he was a ion man. He was trying to collect his father's estate, and they said he never should it.
Question. Who spoke about your father being a Union man?
Answer. Dick Covington.
Question. Were those men you have named as being in the crowd Union men, or are ey what are known in our country as rebels?
Answer. I do not known what they were. There was another one named William Coy; he is akin to me.
Question. Did you stay in the neighborhood, or did you go away from there?
Answer. My father was in Cartersville the night the house was burned. The next rning we started to go to him, and came down near Kingston, where I had a brother ing, and when we got there we found father there.
Question. Have you been back in Cherokee County since?
Answer. Yes, sir, but not to live. I have a great many relatives there, and I have en back there to see them.
Question. Has your father or any of his family been disturbed since that time?
Answer. No, sir, not very bad; not that I know of.
Question. Was any violence of any kind done any of the family there that night?
Answer. They jerked my sister, who was sick, out of bed, and put her out of the use, and made her stay out there; that is all the abuse that we got, except that y cursed us.
Question. Did she have any clothing on?
Answer. She got on her dress and her shoes, that was all.
Question. How was it about your clothes; did you save your clothes?
Answer. No, sir, never a thing in the world, only what we had on.

By Mr. BAYARD:

Question. What is your father's name?
Answer. James McCoy.
Question. Where is he now?
Answer. He is here somewhere.
Question. What was the disguise those men had on?
Answer. Some of their faces were blacked all over, and some just partly blacked.
Question. How did you know them all?
Answer. We had been raised right there with them.
Question. Had you any trouble in recognizing them?
Answer. Well, we did not know them when we first saw them, but we did after we od there so long with them.
Question. You had no difficulty in identifying them?
Answer. No, sir.

Question. You are quite certain they were the people you have named here?
Answer. Yes, sir.
Question. They were your near neighbors?
Answer. Yes, sir.
Question. People living about you there?
Answer. Yes, sir.
Question. Did your father make any complaint about this to a court?
Answer. Yes, sir.
Question. What was done?
Answer. Nothing is done yet, except that they have one man.
Question. Who arrested him?
Answer. Mr. Black.
Question. What did they do with him?
Answer. They have him here in jail.
Question. What is his name?
Answer. John Waters.
Question. How long has he been in jail?
Answer. I cannot tell; but he has not been in but a few days.
Question. He was arrested lately?
Answer. Yes, sir; right lately.
Question. Were you examined before the grand jury in this building?
Answer. No, sir, not yet; we are down here on that business now.
Question. Why have not the rest been arrested?
Answer. None of the balance have been arrested yet.
Question. You say this was in February, 1870?
Answer. Yes, sir.
Question. Where did your father go when his house was burned?
Answer. He moved into Cass County.
Question. How far off?
Answer. Twenty-five miles everybody calls it.
Question. What is your father's occupation?
Answer. He is a farmer.
Question. Was there a farm attached to the house you lived in?
Answer. Yes, sir.
Question. How much land?
Answer. One hundred and sixty acres, I think; but I do not know exactly.
Question. Do you say he was busy in collecting his father's estate?
Answer. Yes, sir.
Question. How long since his father had died?
Answer. I believe he died before I was born.
Question. Was he suing people for debts?
Answer. He had not sued them yet.
Question. When they came to your house, did any of them say they were co[m]ing this outrage on his property because he wanted to make them pay the debts [t]hey owed?
Answer. They said that was what they were going to burn him up for; and th[ey] intended to watch Pine-Log Mountain, and if he ever came over that mountain [t]hey would kill him.
Question. That was what they did that for?
Answer. Yes, sir; and because he was a Union man.
Question. They said that that night?
Answer. Yes, sir.
Question. Had your father claims against any of these men?
Answer. I do not know exactly how it is mixed up. I think they had sold [t]hey were to collect the money out of, and the one that owned the land was [k]night.
Question. Had there been a quarrel between your father and him about it?
Answer. Never a cross word; only the matter of selling the land.
Question. One of the men whose land had been sold was one of the men [t]here?
Answer. The land never has been sold yet.
Question. Your father was going to collect the debt from that land?
Answer. Yes, sir.
Question. How many were in your father's family that night?
Answer. There were none of his family there at home, except me and m[y] [s]ister; we had a woman who was hired to stay with us until father came back.
Question. Who was she?
Answer. Mrs. Grogan.
Question. Where does she live?
Answer. She was only a neighbor to us in Cass.

uestion. Had she always lived with you?
nswer. No, sir; only staid there while he was away.
uestion. When did your mother die?
nswer. I do not know what year it was now. She has been dead fourteen or fifteen rs.

ATLANTA, GEORGIA, *October* 21, 1871.

EBECCA McCOY sworn and examined.

By the CHAIRMAN:

uestion. State your age, where you were born, and where you now live.
nswer. I am about twenty years old; I was born in Cherokee County, and I now in Cass County.
uestion. Were you at home when some people came to your father's house and de-yed it?
nswer. Yes, sir.
uestion. When was that?
Answer. It was the 7th night of February, last year, in 1870.
Question. Tell us all you know about that.
Answer. They came in about an hour in the night. They came up to the door and ocked. My sister and Mrs. Grogan (pa hired her to stay with us until he came ck) were there in the house. They knocked at the door, and then bursted it in, and me in shooting, and cursing, and swearing what they would do. I was sick, and had id down early that night. They jerked me out of bed, and then ran to pa's bed. He as not there; and they tore up all the bed-clothes. They took Mrs. Grogan out of he house. Jerry Elroy, Byrd Covington, and Willis Hurd took her off into the yard. hen they told us to go out of the house or they would burn us up in it. We got out, nd they would not allow us to go back. I got my bonnet and shawl, and they took hem away from me and flung them back into the house. My sister went to go nto the door to get her bonnet; as she did so, she trod on a gun lying at the door, nd she picked it up and shot right among the men who were in the house, as they ere plundering about through the house. One of them threw up his arms, and they arried him out. They broke open pa's big chest, where he kept his money, and put e in it.
Question. How long did you stay there?
Answer. They kept us in the road and in the yard together I do not know how long xactly; as my sister shot the gun, they drove us out of the yard into the big road. It as about an hour in the night when they first came in; and then we staid in the ard and in the big road until about an hour before day. It was a powerful bad night, at night. It was snowing and raining, and it froze as it rained; I never have been ell since that night.
Question. You had nothing on your heads to protect you?
Answer. Not a thing.
Question. Did you know any of these parties?
Answer. Yes, sir.
Question. What reason did they give for destroying your father's property?
Answer. I only heard that it was because he had been trying to collect some money n his father's estate, and they swore that night that they would kill him before he ould collect it; that is all I ever knew. I never knew of his having an enemy in ie settlement, or in the country about there.
Question. That is all the reason you heard given that night?
Answer. Yes, sir.
Question. There were only you three women-folks in the house?
Answer. There was nobody there but just us three alone. Pa had gone to Carters-lle that morning. One of my brothers had killed a black man in Cass County, and had started down there to have the committing trial that morning. Squire Jim arbin came to our house that morning, and told pa that he had word they were ming in on him.
Question. You spoke about their shooting when they first came into the house. What d they shoot?
Answer. Pistols.
Question. How many shots were fired?
Answer. I could not tell you; they just shot all the time they staid there—as long as e staid there. They drove us away from home; we wanted to go to a neighbor's use right close by, but they would not let us go there, but drove us to another place.
Question. How did they drive you?

Answer. Just told us that if we did not go they would shoot us, kill us right there.
Question. Did you save any of your stuff in the house?
Answer. Not a thing in the world, only what we had on.

By Mr. BAYARD:

Question. When your sister picked up that gun and shot, did she hit anybody?
Answer. I do not know; but when she shot, one of them flung up his hands this w— [throwing up her hands.]
Question. She fired right into the crowd?
Answer. Yes, sir; and two men took hold of him, and took him out of doors; then they drove us out of the house.
Question. Who threw up his hands when she fired the gun?
Answer. I don't know who it was.
Question. Do you think she hit him?
Answer. Yes, sir; and there was a man in the settlement, not far off, who died Friday afterward, and they said that he froze to death.
Question. Do you believe she hit that man?
Answer. Yes, sir; so we were told.
Question. Was the weather cold that night?
Answer. Yes, sir; powerful cold.
Question. When did he die?
Answer. That was on Tuesday night, and he died Friday.
Question. How far did he live from there?
Answer. I do not know exactly.
Question. You said something about one of your brothers going to the squire ——
Answer. I said one of them had killed a black man.
Question. How long before that?
Answer. It has been now about two years since he killed him; he was quite a small boy, only about fifteen years old. The black man, who was a powerful big man, undertook to hit him with a stick, and my brother stuck a little knife into him, and he died.
Question. And your father was going to his trial that day?
Answer. Yes, sir.
Question. That happened in Cass County?
Answer. Yes, sir.
Question. Was your brother tried?
Answer. Yes, sir.
Question. Was he cleared?
Answer. Yes, sir.
Question. They said he committed the act in self-defense?
Answer. Yes, sir.
Question. Who is this lady who was staying in the house with you?
Answer. Mrs. Grogan; pa had hired her to stay with us until he came back home.
Question. When did she come into the house?
Answer. She came there on Tuesday night, before the house was burned up on Monday night.
Question. Where does she live now?
Answer. In Cass County.
Question. How far from you?
Answer. But a little ways.
Question. Has she lived with you since that time?
Answer. She staid with us after we were burned out; we all staid together; what she had was burned up too.
Question. This was a year ago last February?
Answer. Yes, sir.
Question. Did you recognize the people who were there?
Answer. I knew some of them; I did not know all.
Question. Did you recognize all those you saw?
Answer. No, sir; I did not know all I saw.
Question. What kind of dress did they have on?
Answer. They all had their faces blacked, either all over or in spots, and white cloths sewed all over their coats, in spots.
Question. Did you recognize them easily?
Answer. I had been raised there with them.
Question. Were they people who were living about you?
Answer. Yes, sir; some of them had their hats turned wrong side out, and tied down under their chins.
Question. They said the reason for their acting so was to keep your father from collecting the money that was due his father's estate?
Answer. Yes, sir; that was all the cause I heard, and they said that a Union man

uld not live in that county. And they would say, "Company Q, hurrah for old nessee, by God."

By Mr. VOORHEES:

Question. Was your father the only Union man in that neighborhood?
Answer. No, sir; there were some more up in there.
Question. How many Union men were there?
Answer. I cannot tell you.
Question. Can you give us some of their names?
Answer. I do not know whether I could tell you any one or not.
Question. You cannot give the names of some of them?
Answer. I do not think I could. I believe they said Bill Edwards was a Union man, I will not be certain whether he is or not.
Question. Were there any negroes there?
Answer. None around where we lived; I do not know but one family of negroes in that country about there.

ATLANTA, GEORGIA, *October* 21, 1871.

JAMES McCOY sworn and examined.

By the CHAIRMAN:

Question. Will you state your age, where you were born, where you now live, and hat is your occupation?
Answer. I was fifty-nine years old on the 31st day of August last; I was born in uth Carolina, and I live in Cherokee County when I am at home; I don't live anyhere just now; I am a farmer.
Question. We have just examined your daughters about the burning of your house nd property. Will you tell us what you know about it?
Answer. I will tell you the best I can. I was not present when it was done, though wish to God I had been. It was done last February was a year ago. In the Decemr previous to that I had a son, a boy, who was working with old daddy Crawford, wn near Cassville. A nigger fellow swiped him with a stick, and the boy out with s knife, and about the time he received the second lick he stuck it into the nigger. e dropped his work and came home. I had not been at work much myself; I had en chilling for something like two years, and came near going under; my boys had ought me home to stay. This boy got into the difficulty on the 11th of December. hen he came home and told me about it, I sent down to know how the matter was, out twenty-three or twenty-four miles off. Word came back to me that the nigger as dead. My boy then wanted to go off; I said, "No, stand right here until they me for you; you shall not desert your country for that; if you are guilty of anything ong, you must suffer; if not, you will go clear." There was only one man who saw e circumstance; so he told me. I saw the man in some four or five weeks, near ristmas time, and asked him about it. He told me about the same as the boy had d. I said, "Yes, now the first thing you know, here will come a reward from Govnor Bullock for you, and you had better see what hands you can fall into." Sure ough, about the last of January or the first of February a couple of men came down re to Atlanta. I told my son that they came down here to get a reward for him. ey arrested my boy, and carried him down to Cartersville. I saw General Waford, d got him to defend my boy. I came down with the witness and got a committing al. I came home Sunday evening. The next morning Squire Harbin, a neighbor of ne, came to me and said, "The boys are going to Ku-Klux you." I said to him, "You a tell them that I know nothing about the 'ku' part, but if they will wait until I back I will 'kluk' with them;" that is the way I answered him. That night they a in and burned me up. I had only one mule, and they shot him three different times; my family told me. I never got home. I did not intend to go back until court was er; when I was able to go back I did not have anything under heavens left. I had ne eight or ten dollars in my pocket, for I had to pay my expenses.
Question. How long were you away?
Answer. I never got back until about the first of June. I was taken sick and did not back, and I had nothing to go to. They said they were going to take my life, and en I did go back they waylaid me and were going to shoot me. I got word of it, I did not go to the place.
Question. Do you know the parties that your family told you came there and burned house?
Answer. Yes, sir; I know about all of them, for the children have been raised right re.
Question. Which side were you on during the war?

Answer. I was always a Union man, just as I am now.

Question. Had you been an outspoken Union man?

Answer. Yes, sir; I never kept it a secret anywhere.

Question. What had these men been who burned your property?

Answer. They were what we call rebs, and that class of people who laid out and played the game of snatch, a great many of them, during the war. I was not with them, but they were of that name at any rate. I was not in that county during the war. I saw they would conscript my son, and I had him detailed to work in the factory, and I kept him out of the war on that ground, for I had nothing to fight for in the war.

Question. Have threats been made against you since your house was burned?

Answer. Yes, sir, pretty frequently. We had an election in this State in December for three days. I went to Canton to see about a piece of land my son has. They had been informed that it had been returned as wild land, and would be sold for taxes; and I went to Canton to see about it. As I went to go into the house, there was a pretty smart crowd around the door, and one of the parties who was there grabbed my right arm, and said: "Come here, I want to talk with you awhile." I looked up and saw who it was, and I said, "I have no chat for you." He said, "By God, I want to talk with you." I said, "I am on other business, and will not talk with you now." My son is not educated, and I went to look over the papers. As I returned, this same fellow was standing there, and grabbed me again, and said, "Now come out here, you have got to talk with me." We went out to the edge of the crowd, and he dropped down on a parcel of brick. I thought he might give me a pounce on the side of the head; so I watched him. He said, "I understand you accuse me of robbing and burning your house." I said, "No, sir, I was not there; but my family say you were there." He said, "It was nobody but Jack Burton;" and then he said, "Are you going to prosecute it?" I said, "I am, if we ever get a jury in this county." He said, "By God, I will put you out of the way if you do." I said, "When I get you fast, you will have no chance." He said, "By God, some of the rest of the boys will do it." I just riz right up and thought I would shoot his head off. I knew he had threatened my life before, and it was pretty tough. I riz up to do it, and my son stepped in and turned me away, and I did not do it. If I had, I never would have got ten steps from that place. One of them came up to me, and I said, "How are you, John?" but he turned right away.

Question. What was the reason you had not prosecuted those men?

Answer. I should have had them taken up, but I have been sick the biggest part of my time since, and I was destitute of money, and I had a family to support. I heard frequently that they boasted that I had nothing to law them with. I had some little money for one of my sons, but it was all gone. I only had but $345, and $128 was for my son, which I was holding for him. I had a good watch, a splendid watch. They got it all when they burned the house. I had about eleven and a half dollars in silver money, in old coin. They did not leave me a thing under heavens, only what I had on. A gentleman came to me the other day, (it was just before court sat here,) and told me that he heard a couple say what they were going to do with me. He said that they were going to take me out and beat me just as long as they wanted to, and then, when I came to again, they would cut my throat. I know those men as well as I know anybody.

Question. Do you know anything about Ku-Klux operations in your country?

Answer. It is a common word out there, if a man gets a little umbrage against another, to say, "By God, I will Ku-Kluk you;" that is a common thing. That is as common as it is to go to breakfast or to dinner. I have never been at home to stay there since, for my life is threatened.

Question. Has there been any change since the law of Congress was passed?

Answer. Yes, sir; that word has ceased since then. In Bartow County they tried three of the boys of that profession there, and they penitentiaried them for life. I went up home some time last summer, when I got able to go. I had nothing to ride, and had to walk. I went to Squire Harbin, with the intention to get warrants and have them arrested, for they had threatened me so often. I said, "Squire, if I undertake this job I have in view, will you rule the people?" He knew what I meant; I meant could he suppress any outrage they would get up? He said, "I will send you to Canton, and that will give you a better chance to get out of the way." I took it for granted from that that I was not safe there. Squire Jones, who lives in the same district, some four or five miles off from him, sent me word some time ago that I could not get justice there; that I would not be safe to go in there and bring an action.

Question. You say that Squire Harbin told you at one time that they were going to Ku-Klux you; how did he know that?

Answer. That is where I am at a loss. I did not think of anything, or care much for anything then, only my boy; I was in trouble about my boy then. I did not ask Squire Harbin how he knew that; I wish to God I had, but I did not. Of course if he had not heard of it and knew who it was, he could not have told me the boys were coming.

Question. Who is regarded as the head of the Ku-Klux in that country?
Answer. I have heard it reported about, but I cannot qualify to it on oath; but I have ard it reported that a gentleman by the name of Pope rules the shebang there.
Question. Where does he live?
Answer. On Etowah River, not far from Canton, between Canton and where I live. ey repeatedly came over to my family there, (so my family told me,) and said they owed to take my life before I could collect a little money that was coming to me m my father's estate. A gentleman there had bought a piece of land, and had never t paid for it. They threw it up to the family that I had been trying to collect some ney, and they said that, "God damn him," they allowed to kill him before he colted it. I have not collected it yet, for I have been a little sort of dubious about ng there and trying to collect it. I do not fear them exactly, but they could pop ay at me from the bushes when I could not help myself. I have not long to live yhow, but I would hate to be killed by such fellows as they are.

By Mr. BAYARD:

Question. You have spoken of this party as being men who lay out during the war?
Answer. Well, a good portion of the war I am told they did.
Question. Are they disreputable men in that community?
Answer. Well, during the last year, or a portion of the year, before they kept liquor in there——
Question. Up where?
Answer. Up in those hills.
Question. Do you mean distilling liquor illicitly?
Answer. Yes, sir.
Question. They are engaged in distilling liquor against the law, and they supposed a reported on them?
Answer. Yes, sir.
Question. Did they do this injury to you because of that, or was it because of your llecting the money due on your father's estate?
Answer. I think the money was the principal cause, for the very man I tried to colt the money out of was one of the parties there, and one of his sons has toted his n repeatedly since to shoot me.
Question. You said that, among the neighbors up there, it was common talk for a man o disliked another to say that he would Ku-Klux him?
Answer. That was a common word.
Question. Was that said to men in joke or in earnest?
Answer. That was a common word where I have been staying until those men were d, and since they were sentenced to the penitentiary for life you hardly ever hear t spoken of.
Question. What had those men done?
Answer. Two of them had killed a negro. The negro had been stabbed by one man, l then two or three men ran in upon him that night to shoot him, for the purpose getting clear of the law.
Question. There were three white men?
Answer. There were four; but the principal one they say they never have caught.
Question. They caught the other three?
Answer. Yes, sir.
Question. And they tried them?
Answer. Yes, sir; and sentenced them to the Georgia penitentiary during life.
Question. And they are in jail now?
Answer. O, bless you, yes.
Question. Were they Ku-Klux men?
Answer. They were so-called.
Question. They killed a black man?
Answer. Yes, sir.
Question. And they are suffering now for their crime in the penitentiary?
Answer. They are now on the Cartersville and Van Wert road at hard work. One of m had been that evening out on a kind of a bust-up; his liquor had all given out, as he went to get some more, or perhaps had got it, on his way back he met these n going to do the mischief. He gave them a dram, and then sat down in the road waited until they came back. He was not within three hundred yards of where mischief was done, yet he was convicted for life.

By the CHAIRMAN:

Question. That was in Bartow County?
Answer. Yes, sir; and since they have been tried for that you do not hear so much of Klux.

By Mr. BAYARD:

Question. When people would say to each other, "I will Ku-Klux you," was it said jocularly or in dead earnest?

Answer. It has proved very frequently that they did Ku-Klux. Some parties might have spoken it just to be speaking, but very frequently, I think, it was in earnest.

Question. Was that said when men had personal disputes about anything, money or anything else?

Answer. Yes, sir. My son lived up there close by me, and one of these parties, Dick Covington, told my son that they would Ku-Klux him. My son replied back, "Go ahead," if they wanted to do it. Dick said he would be damned if he was afraid to do it, and, sure enough, he was one of the crowd that did do it.

Question. What does this Covington do?

Answer. He gets his living by cultivating the earth.

Question. You know the names of the men who were alleged to have burned your house down?

Answer. Yes, sir.

Question. Are those men near neighbors to you?

Answer. A great many of them live right around there; the farthest off is a man by the name of Mullins, who lived in Pickens County.

Question. Have you come down here to prosecute these men before the United States court?

Answer. I have been working to do it, if I can do it. But I am destitute of funds and everything else, and I do not know how I shall succeed. I went to Judge Parrott to know if I could get my cause removed from Cherokee County, because it would be out of the question for any man to get justice done him there who did not belong to this klan. Judge Parrott's reply was, "I think you can take it to the Federal court;" and that is this court.

Question. And that is why you came here?

Answer. Yes, sir. I have been here frequently, and every dollar I have made I have spent in trying to get this matter up here.

Question. I hope you will succeed in bringing them to justice.

Answer. That is all I want.

Question. Were there any other cases of conviction of these fellows in any other county?

Answer. Of this same klan?

Question. Yes.

Answer. Not that I know of.

Question. When was that conviction of the three men in Bartow County?

Answer. I think it was the first week of this last August. It was but just a day or two before court sat that I asked Judge Parrott about what I have just now stated to you.

By the CHAIRMAN:

Question. How far is Bartow County from Cherokee County?

Answer. It is an adjoining county.

Question. Are the people who burned your house of wealth and property?

Answer. Some are and some ain't; some are like me; they have not got anything. I was a poor man, bad off, but I had enough to live on and be comfortable; I had some few dollars.

By Mr. BAYARD:

Question. How many were concerned in it?

Answer. From the best information I could get there were a great many of them; but I do not think they all went for the purpose of destroying what I had. I think, by what I can understand, that some went to preserve my life. I went last Saturday morning and levied upon one of the parties, and he is here in this place now, if he has not broken away. He acknowledged to a great many names, and I have got them down fast. But I understand to-day that he says he was out of his head and crazy when he said it.

Question. How do you know that a portion of the men went there to prevent violence to you personally?

Answer. Only according to reports.

Question. It is reported that some men personally friendly to you were there?

Answer. If they went to preserve my life they were.

Question. Knowing those men, you know who they are; do you recognize among those men any whom you believe to have friendly feelings toward you?

Answer. Let me tell you before I go any further. There was an old gentleman lived about a quarter of a mile from me, on another lot of land; the line runs between us. At the time they drove my family out they wanted to go there, but they would not let them. They wanted to go to another place, and they would not let them go there. They kept them there in the cold pretty much all night. Since that night this old man has

ld me that he went there with his pistol, and that if there was anything like rioting fighting, he would be damned if he had not shot at them. But he would not tell me e names, for he was afraid.

Question. About how many people do you think were present at the destruction of ur property?

Answer. This fellow Hurd told my neighbor that he had a hundred men to mob me y time he could catch me there over Pine Log Mountain. This man whom I have got rested says the woods were full of them.

Question. It is because there was so many that you believe you could not get a fair al in the county?

Answer. Why, bless you, I know I could not, for the former sheriff of that county was e of the men concerned. He came to arrest my son when the reward came out, and met him at the door and told him that he should not do it.

Question. How large a reward was offered?

Answer. Two hundred and fifty dollars.

Question. By whom?

Answer. By Governor Bullock.

Question. Had your son made any attempt to conceal himself?

Answer. No, sir, none at all.

Question. What was the necessity of offering a reward, then?

Answer. Why, as I have said, a couple of men came down here, and when they returned ere was the reward.

Question. Who were those men?

Answer. Edwards was one, and Hurd was another. Mr. Moore, who is ordinary at anton, dropped a letter over to Edwards, to take the boy and put him in the hills for while, and then they would have a greater reward. And the next thing there was a ward of $750 come out.

By Mr. VOORHEES:

Question. Was that reward paid?

Answer. It was to be.

By Mr. BAYARD:

Question. It was to be paid upon conviction; and the boy was cleared?

Answer. Yes, sir.

Question. No attempt was made to arrest your boy until this reward was offered?

Answer. No, sir; he was there all the time, just frolicking about and going to parties.

Question. There was no difficulty in finding him?

Answer. No, sir.

Question. What offices, if any, did those two men hold who came down here and got e reward offered?

Answer. No office at all.

Question. They were citizens there?

Answer. Mr. Moore, who lives at Canton, is ordinary for Cherokee County—so I am ld. He is a big dog there, as big a dog as shakes his tail in the streets. He sent a e to Edwards to arrest the boy and put him out in the hills, and then he would turn back to Governor Bullock and have the reward raised. I can produce a man ho knows all about that.

Question. Did these men attempt to procure a conviction of your son?

Answer. Why, God bless you, this man Edwards came to me to get me to turn the y over to him and let him turn him over to the sheriff. Old man Hurd came to me d said, "If you have any confidence in anybody, make a friend of him and let him ke the boy and you will get some of the reward." I said, "Why, this is my boy that u are talking about."

By Mr. VOORHEES:

Question. You say you were a Union man during the war?

Answer. Yes, sir.

Question. Did you get along pretty well up there?

Answer. I did not live up there.

Question. Where did you live?

Answer. In Baldwin County, in this State. I had my children to work in the factory, d in that way I kept my oldest son out of the service.

Question. You are a pretty out-spoken man.

Answer. I always speak my sentiments just right plumb square.

Question. You are not afraid to do that?

Answer. I am not afraid of any one man, if I am heeled just as well as he is.

Question. You went to Cherokee County, where there were some Union people?

Answer. They are very scattering; like people in the Western country—thin-settled.

Question. Then there are not many rebels or Union men there?

Answer. It is a rebel county.

Question. There are a majority of rebels there?
Answer. Yes, sir; two to one.
Question. There are some colored people there?
Answer. Yes, sir. Governor Brown has got his negroes there; he rules the county.
Question. Are there a great many republicans there now?
Answer. Since they accused him of going North and selling himself he does not do so well, but he is gaining ground again smartly. No mistake about that; I am a Joe Brown man, I am; I do not care who knows it.
Question. Was Governor Brown thought much of in the rebelllon?
Answer. Yes, sir; and I heard not a cry against Governor Brown until he went North.
Question. Did not a great many people in Cherokee County go with him for the republicans and vote for General Grant?
Answer. There are not many Grant men up there.
Question. You said that Brown ruled the county?
Answer. Until that time, I say.
Question. You say the rebels are about two to one?
Answer. I expect there are more, according to the way they used to count at the ballot-boxes.
Question. About one-third are Union?
Answer. That would be so. I know there used to be a large majority there.
Question. How are they in Cass County?
Answer. I do not know how things run there, because since the destruction of my property I hardly ever go to elections.
Question. Did you own the farm you live on?
Answer. It belonged to my sons. I said they carried me there to see if I could get up a little. I have not been clear of chilling for a week at a time for about three years

By the CHAIRMAN:

Question. It was not your property that was destroyed, then?
Answer. It was my household stuff that was burned up.

By Mr. VOORHEES:

Question. Does Governor Brown live in that county?
Answer. He has a plantation there, but he lives here now.
Question. Would they Ku-Klux him up there?
Answer. He has a brother there, a mighty fine man; I have heard of their being about him.

ATLANTA, GEORGIA, *October* 21, 1871.

CAROLINE SMITH (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I expect I am about thirty-five years old. I was born in Walton County, but raised from three years old up to nine in Gwinnett; I now live in Walton County.
Question. When did you come to Atlanta?
Answer. I think we have been here over two weeks; I think last Monday was two weeks ago. I left home on Thursday before the second Sunday in October.
Question. What did you leave home for?
Answer. The Ku-Klux came there.
Question. Tell us all about that.
Answer. They came to my house on Thursday night, and took us out and whipped us; that is about all that it was.
Question. Who came there?
Answer. I do not know but two of them, Mr. Felker and Mr. Rich.
Question. Where do they live?
Answer. In Walton. Mr. Felker keeps store there, and Mr. Rich lives on Mr. Jordan's land.
Question. How many were there?
Answer. A great many of them, twenty-five or thirty, perhaps more; but ten of them whipped me.
Question. When was that?
Answer. In the night.
Question. At what time?
Answer. Late in the night; I do not know what time. I sat up very late that night, for they had been there once before, and we never laid down early in the night all of

ne of us sat up the better part of the night. I was pretty nigh asleep when I hem coming.
tion. Did they come on foot or on horseback?
er. They came to the house on foot, but they hitched their horses alongside the d not more than a quarter off.
tion. How were they dressed?
er. They had on pants, like anybody else, but they were put on their body like ake children's clothes. They had on some kind of false-face. Mr. Rich was the an who struck me, and Mr. Felker was the head man of them when they came he first time and last time. They caught my husband and beat him as much as anted to, and then they came in and said, "Make up a light." I made up a nd then Mr. Rich came to me and said, "Who is this?" I said, "Caroline." d, "H'm, h'm, come out of here." I went out, and they made me get down on ees. He said, "Who is in the other house?" I said, "Sarah Ann." Felker some of them, "Fetch her out here." Felker then said, "Take off this," point- my dress, "and fasten it around you." They then made me fasten it to my He whipped me some, and then he made me take my body off, which I wore my dress. He gave me fifty more, and then said, "Go and get some water, and et's hear any big talk from you, and don't sass any white ladies." I said, "I lo that."
tion. How many blows did they strike you?
er. They hit me fifty; they had so many men, and they hit me so many licks ; they all hit me five licks apiece.
tion. With what?
er. With hickories. They did not whip me with a stick; they whipped me hickory.
tion. How long ago was this?
er. It has been ever since the Thursday night before the second Sunday in Oc- I left home on Sunday night afterwards; I came away in the night.
tion. Who was this Sarah Ann?
er. She was my sister-in-law, who lived with us.
tion. What did they do to her?
er. They beat her, and kicked her in her back, and she has not got over it yet. it her on the head with a pistol, and they made her strip.
tion. What do you mean by that?
er. They made her pull her clothes up, like they did me.
tion. Did they pull your clothes entirely off, or only down to the waist?
er. Down to the waist.
tion. Did they whip your husband the same night?
er. Yes, sir.
tion. With what?
er. They beat him with rocks and pistols and sticks, and then they whipped him ickories.
tion. How many blows did they strike him?
er. I do not know. I was on the bed, and had not got up, and I was peeping a crack. I never said a word, and did not get up until they came in and told get up and make a light.
tion. Did they give Sarah Ann as many blows as they did you?
er. They struck her about forty blows, and they beat her with a pistol, and hit

tion. Who told them how many licks to give?
er. Mr. Felker is the man who told them the first time when they came there. one ran but me and three little children; I staid in the house, and all the rest ay. Felker was the man who told them how many licks to put on me. When e his time he struck me but three licks, and struck me very light. Mr. Rich ok the stick and struck me; and Mr. Felker then said, "Don't strike her hard."
tion. Did they whip you the first time they came there?
er. They gave me twelve licks. I said that I wanted to put my shoes on, for I ry sick. He saw I was scared in a manner to death, and he made me sit down. while, and then he made me get up and stand up. He was shaking his fist at the time. He then made me go back and sit down, and there asked me ques- He made me sit down three times, and made me get down on my knees, and ey whipped me; but they did not make me put off my dress, for I told them I k.
tion. When was the first time?
er. On the 19th day of March.
tion. What did they tell you they were doing it for?
er. Nothing, only one of them said, "I don't want to hear any big talk." The me they did not say what they did it for; the last time they said, "We don't hear any big talk; and don't sass any white ladies." I said, "No, I only attend

to my own business." After they had whipped all three of us Felker looked in and said, "Do you know any of us?" I said, "No, I don't." He said, "Do you suspicion who we are?" I said, "No." I told them a lie, for I knew them well enough, but knew they would kill me if I said I did. Said he, "Are you going to watch us when we go to leave?" I said, "No, sir; I am not." He said, "I will leave two or three of these wild men to watch you, to see if you watch us; shut the doors, and don't open them." I shut the doors, and I did not open them then.

Question. Did they give any reason why they whipped your husband?

Answer. He said to them, "Just hold on a minute, if you please; what are you whipping me for?" They said, "Never mind that, so we whip you." That is all the satisfaction they gave him.

Question. What did they whip Sarah Ann for?

Answer. They told her pretty much about the same they did me. They never said anything particularly as to what they did it for; only just told me not to have any big talk, or sass any white ladies.

Question. Do you know of any other colored people or white people who have been whipped besides your own folks?

Answer. Do you mean that same night?

Question. Any night.

Answer. I know a heap that they whipped the first time, but I cannot think of all of them now.

Question. Were they whipping people between the two times they came to see you?

Answer. They rode once a night every week.

Question. Did they always whip some one?

Answer. Not every time; sometimes they would get out of the way, and sometimes they would catch them. They caught a girl a few weeks before they came to our house, within a half a mile of us, and whipped her; then they whipped Abraham Smith's wife in March. They made a scatterment of the darkies when they came through there the first time. After that we were all scared and uneasy, and watching for them. I talked with Mr. Moore about it; he said, "If you will stay here and work my land, you shall not be pestered any more." My husband went off, but I sent for him and told him what Mr. Moore said, and got him back. And just as we got our crop done, and had pulled all the upland fodder, and were going over the cotton the first time, then they came. We then had to leave anyhow; I could not stand it any longer.

Question. What became of your crop?

Answer. It is there now, and they are gathering it.

Question. Was Mr. Moore friendly to the Ku-Klux; do you suppose he wanted them to treat you in this way?

Answer. Well, I could say, but then I do not know it. I hate to say anything about a man without I knowed it. He says that he was in favor of it before we came over there, and after we came over there and he came here, and it stood as it did, he said he was not in favor of it. He told me this: that he did not know what they did it for, for there was nothing wrong about Caroline, and he liked them as well as he did any colored people. I said: "Mr. Moore, Mr. Willis Gilbert is a man who owned a heap of darkies in slavery times, and he has lots on his plantation, and he says no Ku-Klux can come on his premises without he says so; and he is a man of good understanding." Mr. Moore did not say anything more to me.

Question. You say they made a general scattering of the darkies in March?

Answer. Yes, sir.

Question. What reason did they give for that?

Answer. They said we should not have any schools; and that white people should not countenance us, and they intended to whip the last one; that is what they said.

Question. Why did they not want you to have schools?

Answer. Schools! They would not let us have schools. They went to a colored man there, whose son had been teaching school, and they took every book they had and threw them into the fire; and they said they would just dare any other nigger to have a book in his house. We allowed last fall that we would have a school-house in every district; and the colored men started them. But the Ku-Klux said they would whip every man who sent a scholar there. There is a school-house there, but no scholars. The colored people dare not dress up themselves and fix up, like they thought anything of themselves, for fear they would whip us. I have been humble and obedient to them, a heap more so than I was to my master, who raised me; and that is the way they serve us.

By Mr. BAYARD:

Question. What had these disguised men been doing that they were afraid of being found out? What did they suppose you would tell on them?

Answer. Just going about whipping us black ones.

Question. They thought you knew of what they had done in that way?

Answer. They knew I knew it. They asked me if I knew who they were.

Question. Had these men who committed this cruelty on you been perpetrating any violation of law that they were afraid you would expose them for?

Answer. Nothing, only whipping us.

Question. When they asked you if you knew anything, they referred to their whipping you?

Answer. Yes, sir.

Question. That is all the reason you know for their attack on you?

Answer. Yes, sir; that is all I know of.

Question. They did not accuse you of anything else?

Answer. No, sir.

Question. Were any of these men engaged in making spirits, running stills? You are safe to answer here.

Answer. Well, they were.

Question. Was that the business they were afraid of having discovered?

Answer. That was one portion of it, I reckon.

Question. Had the revenue officers been there hunting them up?

Answer. They had not when I came from there. They had made their brags that revenue officers were afraid to come there; they said they had the men to keep them out.

Question. Was it their fear that you would report them about that, that caused this violence to you?

Answer. They charged me to say nothing about what was going on. I said, "It is none of my business." They said that if anybody came and asked me if I knew where any of that thing was going on, not to tell it.

Question. Did they charge you with having told those people of what was going on?

Answer. No, sir; they knew I had never told that. This thing was going on right close to our house. Then they have a cave, a little further over, where they used to go and disguise themselves. They would ask me if I had any whisky. I said, "No, I have not got any." They said, "Don't you know where there is any?" I said, "I don't know." They were trying me to see if I would tell. They searched all about in my flab drawer and in my pockets, but could not find any. They reached up and took a gun there was there, and broke it in two, and threw it in the fire. They said, "We don't allow you to have any such thing as this here."

By Mr. LANSING:

Question. You said that making whisky was one of the things they wanted to find out if you had told about?

Answer. I reckon so, by their asking me those questions.

Question. What else besides that?

Answer. Nothing else, except that they charged me not to tell about their coming to my house.

Question. Not tell that they had been there to your house?

Answer. Yes, sir, Ku-Kluxing us; not to tell that.

ATLANTA, GEORGIA, *October* 21, 1871.

THOMAS M. DRENNON sworn and examined.

By the CHAIRMAN:

Question. State your age; where you were born; where you now live, and what is your occupation.

Answer. I was born in 1829, in Morgan County, Georgia; I now live in Floyd County; my occupation is blacksmithing and wagon-making.

Question. In what part of Floyd County do you live?

Answer. I live three miles west of Rome.

Question. Have you in your neighborhood any of those people that are commonly called Ku-Klux?

Answer. Well, sir, there have been some there in the neighborhood that are called Ku-Klux.

Question. Have any of them ever come to your house?

Answer. Yes, sir.

Question. What was said by them, and what took place there?

Answer. They came there last January, I think, and about as well as I could count them there were about twenty odd; I could not count them all. They were disguised so that I could not see their faces; they had something over their faces, hanging down. Before they got to the house, they commenced calling, "Old man, old man, get up; there is going to come a rain." I told them, "Put on your oil-cloths, then;" for I knew they were Ku-Klux from the way they were talking, and from what I had

heard of them. They said they had no oil-cloths; that they were just from the moon. Well, they rode around my house, and told me that if I did not get up and open the door, they would break it down. I said, "Wait until I am dressed." They said, "No, it isn't worth while to dress, for you will have to pull your clothes off again." I said that would make no difference, I would put them on. I got up and opened the door; I saw that they were standing all around both doors of my house. When I went to the door, they commenced groaning. They then asked me what my name was. I said to them, "It ain't worth while for me to tell you my name; you know it." They then said to me, in a pretty fierce manner, "How do we know it? Tell it in a minute." I told them that Drennon was my name. Then they all hallooed out, or pretty much all of them, "Drennon." They then asked me if I did not cook a radical or a negro barbacue down in Rome. I told them that I cooked a barbacue down there that some of the people called radical, and some called republican. They groaned again when I told them that, and asked me what I did it for. I told them I did it because I was hired. Then they asked me what sort of ticket I voted. I told them I voted a white ticket. They then said, "You are a radical." Says I, "No, I reckon I am as far from being a radical as you are." One of them said, "No, you ain't." About that time some of the others spoke to them, and told them to hush; and then they said, "Let's go," and all started off from the house. That is about all they said to me at that time.

By Mr. SCOFIELD:

Question. How many were there?

Answer. Somewhere about twenty, I think.

Question. Were they disguised?

Answer. O, yes, sir; all disguised.

Question. Were they on horseback?

Answer. Yes, sir.

Question. At what time of the night was this; was it early or late?

Answer. It was pretty late. They went on by my house, going on down; that was the night they whipped an old fellow by the name of Jourdan Ware, a freedman, who lived about three-quarters of a mile below me. I did not see them whip him, but he came up to my house the next morning, and said they had abused him pretty smart. They went on into Rome the same night, rode across the bridge; at least, that is what was reported; I did not see them.

Question. Was the whipping of this negro man the only thing they did that you heard reported?

Answer. No, sir; there was one shot down about a mile and a half from town, and probably they whipped some more of them; I am not positive about their whipping any more, but I think I heard that they whipped some. I know that they shot one; that was talked of.

By the CHAIRMAN:

Question. Did you hear them use any threatening language about Major Hargrove?

Answer. Not that crowd, I did not.

Question. You told them you voted a white ticket?

Answer. I said that I voted a white ticket; that was the answer I gave them.

Question. What did they understand by that?

Answer. I do not know.

By Mr. SCOFIELD:

Question. You meant it to be somewhat equivocal?

Answer. I just meant that I voted a piece of white paper; that is, that my ticket was on white paper.

Question. Had you voted the republican ticket?

Answer. No, sir, I had not. I would have done it if it had not been for certain things.

By the CHAIRMAN:

Question. What were those things?

Answer. To tell you the truth about it, I was afraid to do it.

Question. You are a republican in sentiment, as I understand?

Answer. Yes, sir.

Question. That was the election last fall?

Answer. Well, it was not far from Christmas; I do not know whether it was before or after; it was when Mr. Hargrove and Mr. Burnett ran for the legislature.

Question. How long was it after the election that they came to your house?

Answer. Well, I declare, I do not know how long it was; I think it was somewhere along between the middle and the last of January. I do not recollect what time the election came off; I think, though, it was along about the last of December, I reckon, or in November.

Question. Do you know whether others of the republicans were afraid to vote their ticket at that election?

Answer. I heard that Mr. Joseph Kemp was. He did not tell me so, but others did. They said he was intimidated, so that he did not vote as he would have done otherwise.

Question. Did you vote the democratic ticket?

Answer. Well, yes, sir, I did.

Question. What did you hear about Major Hargrove being threatened?

Answer. I just heard that there was talk going about generally in Rome, I do not now recollect who it was, that the Ku-Klux would be on him about the time they got their dinner ready.

Question. That is, at the time of the barbacue?

Answer. Yes, sir. Major Hargrove hired me to cook the barbacue for him.

Question. Do you know anything about an old man of the name of Antony, at Mr. Bryant's?

Answer. I know an old freedman of that name; he is at Captain John Turner's now, but he has been at Mr. Bryant's. I could not say that I positively know what was done to him, but I have the report from good authority. It was said that the Ku-Klux came in and whipped him and others at a terrible rate, and took off a very fine rifle and shot gun, both together, of the negro's.

Question. His property?

Answer. Yes, sir.

Question. You said something about the scourging of Jourdan Ware; what was there about that case?

Answer. He came up to my place the next morning; he had promised to work for my neighbor, Mr. Angle, the next morning. He came up and told him that he could not work for him, for the Ku-Klux had beat him up the night before. His head was all bloody, and he had it tied up. He said they gave him a terrible beating.

Question. Do you know anything about a man named Joe Kennedy?

Answer. Joe Kennedy? It seems to me that was the name of a freedman that was shot.

Question. Where was that?

Answer. Between my house and Rome, about a mile and a half from Rome. I think Joe Kennedy was the name of the man who was shot.

Question. Was that the same night they came to your house?

Answer. Yes, sir.

Question. Did they kill him or only wound him?

Answer. I do not think it killed him, but I do not know what their intention was.

Question. Did they molest his wife?

Answer. I do not recollect; I am not positive about that.

Question. Do you know whether they did any other injury to Ware except to beat him?

Answer. I think they took off his gun; that was the report.

Question. Do you know what reason they assigned for these beatings and shootings?

Answer. Well, I declare, I do not know what their reasons were for them. I did hear a rumor about over the settlement there that he had had some slight talk to a gentleman's wife, a white lady, and called her "sis," or "wife," or something of that sort, one day when she was passing along the road. I heard somebody say that they allowed that probably that was it, but then nobody knew for certain.

Question. How old is Jourdan Ware?

Answer. I suppose forty-five or fifty; may be older.

Question. Before your election last fall were any notices posted around and served upon the people, or any of them, with reference to voting?

Answer. Well, sir, I do not recollect that I saw any, and I do not recollect whether I heard of any or not.

Question. How long since you first heard of the Ku-Klux riding around over the country?

Answer. In that part of the country?

Question. Yes.

Answer. Well, I have heard of them for the last eighteen months.

Question. In what numbers do they assemble?

Answer. Those are all that I ever saw; I do not know any others. I have heard people say that there have been very large numbers of them assembled together, but those are all I ever saw.

Question. Did you know any of those men?

Answer. O, no, sir; no more than I would know one of the rounds of these chairs if it was covered up in a sack. They had their faces covered over, and a great pocket of a concern coming down in front.

Question. Were their horses disguised?

Answer. No, sir.

Question. Did you know any of their horses?

Answer. I did not; it was in the dark. Well, there was a white or gray mule there,

and then there were different colored horses; but I could not tell whose they were, for they kept moving round about.

Question. You could not judge, then, whether they were people who lived in your neighborhood, or were strangers from a distance?

Answer. I could not tell. If you could see Mr. Bryant, he could give information about that old Antony negro.

By Mr. SCOFIELD:

Question. You said that when they went away from your house "that was all they did at that time." I supposed that you were going to tell about what they did at some subsequent time.

Answer. That was all the time I ever saw them or heard anything from them particularly on my account.

Question. Have you known of their riding about during the last summer or this fall? Are they still raiding through your locality?

Answer. Well, I heard just last week that Mr. Bryant and Mr. Captain John Turner had gone to get the gun they took away from Antony; they found the gun, but the man who owned it at that time was not there. They left it until the man should come back. It is reported now that a band of disguised men came there and took away the gun. Mr. Prescott had the gun in charge, though he said he bought it.

Question. You have not heard of any whippings recently?

Answer. Well, I do not believe I have. It was up in Chattooga that they killed old man Foster's ferryman; they killed him last spring. They said he was a mighty good old servant.

By Mr. BAYARD:

Question. Did you ever hold any office?

Answer. I never held any office.

Question. I understand you to say that those men surrounded your house, with this groaning, &c., some time last January?

Answer. I think it was in January; I will not be positive.

Question. And excepting that time, you have not yourself had any personal knowledge of these things?

Answer. No, sir.

Question. All that you have stated otherwise is gathered from mere rumors about the neighborhood?

Answer. Yes, sir.

Question. You spoke about some threat to interfere with the dinner or barbecue?

Answer. Yet, sir; I heard them talking about it.

Question. Was there any interference with the barbecue?

Answer. None in the world, only after I had got done with the barbecue some men came in, and one said, "It is time these damned barbecues were leaving."

Question. Was he disguised?

Answer. No, sir.

Question. Was there any interference with the barbecue by the Ku-Klux?

Answer. No, sir.

Question. The threat came to nothing?

Answer. No, sir, but I looked for it.

Question. The barbecue was held and passed off peaceably?

Answer. Yes, sir. There was no disturbance at all, but I looked for it.

Question. You spoke of a man being shot on the night these people came to your house; how do you know that?

Answer. I say that was the general talk.

Question. You have no personal knowledge of it?

Answer. No, sir.

Question. Did you know that man yourself?

Answer. No, sir.

Question. Did you ever see him?

Answer. Yes, sir.

Question. Do you know that he is dead?

Answer. No, sir.

Question. If he is dead, do you know who killed him?

Answer. No, sir.

Question. When you state what happened at your house, you have stated all of your personal knowledge?

Answer. Yes, sir.

Question. The rest is mere rumor?

Answer. Yes, sir.

Question. Were you summoned before the grand jury in regard to this business?

Answer. Which business?

Question. The matters you have been speaking of here.
Answer. I was summoned by the marshal.
Question. Were you summoned to testify to the matters you have been speaking of here?
Answer. I suppose so; it was in behalf of the United States
Question. And in regard to these matters you have been speaking of here?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 21, 1871.

TILDA WALTHALL (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.
Answer. I am twenty-one years old; I do not know where I was born, but I live in Haralson County.
Question. When did you come here from Haralson County?
Answer. I do not recollect now what day it was; a few days ago.
Question. Are you a married woman?
Answer. They killed my husband.
Question. Who killed him?
Answer. The Ku-Klux.
Question. When, and where?
Answer. It was in Haralson County, in May.
Question. Tell us all about it, and who they were.
Answer. I do not know but two of them.
Question. Who were they?
Answer. Old man Monroe and Ben, his son.
Question. How many of them were there?
Answer. I do not know how many there were.
Question. Did you see the crowd?
Answer. Yes, sir.
Question. Were they riding?
Answer. They were riding, but they left their horses.
Question. Were they disguised?
Answer. They were disguised.
Question. How?
Answer. They had on great big gowns, and great big, long sleeves, wide sleeves.

By MR. SCOFIELD:

Question. Were their faces covered?
Answer. Some were, and some were not.

By the CHAIRMAN:

Question. Now, tell us all that they did.
Answer. They came and hallooed to open the door; my husband got up and got out of the house; he crawled in under the house. Then they came around and went into the garden and pulled off a plank, and he was lying there; and they shot him.
Question. Do you know who shot him?
Answer. No, sir.
Question. How many shots did they fire at him?
Answer. They never fired but once.
Question. Did that shot kill him?
Answer. He lived until the next night about dusk, when he died. They beat him after they shot him. The report was, that they said they gave him three hundred.
Question. With what?
Answer. With sticks.
Qustion. Did they beat him with his clothes on, or did they take them off?
Answer. His clothes were off or pulled up. He did not have on anything but his drawers and shirt, and they pulled his drawers down and his shirt up.
Question. Did they beat him on the naked flesh?
Answer. Yes, sir.
Question. Was that in the night-time?
Answer. Yes, sir.
Question. At what time of the night?
Answer. Well, when they left, chickens were crowing for day.
Question. Did they give any reason for treating him in that way?
Answer. No, sir, they did not say.

Question. Did your husband say before he died whether he knew any of them or not?
Answer. No, sir; he never said a word about them; nary word.
Question. Was he able to talk much?
Answer. He did not say much.
Question. Where have you been living?
Answer. On old man Wyatt Williams's land.
Question. Do you know of anybody else who was interfered with by the Ku-Klux?
Answer. There are some more up on the mountain, about six miles from us, that were interfered with.

By Mr. BAYARD:

Question. You stated that old man Monroe and his son Ben were there?
Answer. Yes, sir; Duncan Monroe.
Question. Did you know him and recognize him?
Answer. Yes, sir.
Question. What had he against your husband?
Answer. Lord knows; I don't.
Question. What was your husband's name?
Answer. John Walthall.
Question. Did he know anything those people were afraid he would tell?
Answer. If he did, I did not know it; I had not been married very long.
Question. How many of those people were there?
Answer. I do not know how many there were.
Question. How many did you see?
Answer. I do not know how many; I did not count them; I could not give any idea of how many there were.
Question. Did you know the faces of any of those who were in disguise?
Answer. No, sir.
Question. Had they anything on their horses?
Answer. We did not see them; they were tied up the road a piece from us.
Question. You have no idea what made them commit this act?
Answer. No, sir; I could not give any idea at all.

By Mr. SCOFIELD:

Question. Was there anybody else in the house but yourself and husband?
Answer. Nobody there but me and my husband; they pulled two men up the [illegible]e out of their houses up to my house to keep them from going off; they were Jasper [illegible]arter and Charles Little; they whipped them.
Question. Were they colored men?
Answer. Yes, sir.
Question. Did they whip them at your house?
Answer. No, sir; they took them away from their houses.

By Mr. BAYARD:

Question. How did you know that?
Answer. Jasper said so.
Question. You did not see them whip them?
Answer. No, sir; I only saw his back that he was whipped.

By the CHAIRMAN:

Question. Was his back much hurt?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 21, 1871.

HESTER GOGGIN (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?
Answer. I am about sixteen years old; I do not know where I was born; I live in Haralson County.
Question. Do you know anything about the killing of John Walthall?
Answer. I was not up there when they shot him.
Question. Where were you that night?
Answer. I was at Charley Little's house.
Question. Did you see anybody go along by there that night?
Answer. Yes, sir; they came right by there; that was the first place they stopped.
Question. Who were they?
Answer. There were three I knowed; old man Monroe and two sons.

Question. How many were there altogether?
Answer. About fifteen or twenty.
Question. What did they do at Charley Little's?
Answer. They came in and took him out; two staid in the house and made me and o more girls get up and kindle a light. They asked us if we had any gun there, d we said no. They looked behind the door, and said that if they found any gun y would kill us; they found none, and stepped out of doors and told us to show them ere Jasper Carter and John Walthall lived; we showed them, and they went on; y came on back, and then whipped us.
Question. Did they whip you?
Answer. Yes, sir.
Question. Who whipped you?
Answer. Neil Monroe, Ben was the other, and old man Monroe were all I knowed.
Question. Did the others whip you?
Answer. Yes, sir.
Question. How much did they whip you?
Answer. They gave me about ten or thirteen licks.
Question. With what?
Answer. It looked to me like a hickory withe; I do not know what it was.
Question. Did they whip you over your clothes?
Answer. Yes, sir.
Question. Why did they whip you?
Answer. They said to make us stay at home; and we were already at home.
Question. Did they whip anybody else besides you?
Answer. Yes, sir, Charley Little's wife.
Question. Had she any children?
Answer. Yes, sir.
Question. How old were they?
Answer. There was one about seven, and another thirteen or fourteen.
Question. Were they there?
Answer. Yes, sir.
Question. Did they trouble the children at all?
Answer. They never interfered with the smallest one.
Question. How much did they whip Charley Little's wife?
Answer. The gave her two or three licks, and snatched her across the bed.
Question. Did they whip anybody else there?
Answer. No, sir.

By Mr. SCOFIELD:

Question. Where was Charley Little himself?
Answer. They took him up to John Walthall's house.
Question. What month was that?
Answer. I do not know what month that was.
Question. Was it in the summer or in the spring?
Answer. It was in warm weather.
Question. Did Charley Little come back?
Answer. Yes, sir, after they went off.
Question. Was it daylight when he got back?
Answer. No, sir, it was not daylight.
Question. Did they whip him?
Answer. No, sir, they never touched him.

By Mr. LANSING:

Question. Did you ever hear what they shot John Walthall for?
Answer. No, sir, I never heard.
Question. Did you hear Charley Little say?
Answer. No, sir.
Question. Was he there at Walthall's when they shot him?
Answer. Yes, sir, he was there.
Question. Did you learn what they took him up to Walthall's for?
Answer. No, sir.

By Mr. SCOFIELD:

Question. Is Charley Little here?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 21, 1871.

RENA LITTLE (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?
Answer. I do not know how old I am. I was born in Haralson county, and live there now.
Question. Do you recollect the night when John Walthall was killed?
Answer. Yes, sir.
Question. Where were you that night?
Answer. I was at home.
Question. Where was that?
Answer. Down on the Tallapoosa River.
Question. Are you married, or a single woman?
Answer. I am single.
Question. What kin are you to Charley Little?
Answer. He is my step-father.
Question. Did any one come to your house that night?
Answer. Yes, sir.
Question. Who were they?
Answer. Ben Monroe, and Neil Monroe, and old man Monroe.
Question. Was anybody else there?
Answer. Yes, sir; a whole crowd of them; but I did not know who they were.
Question. Why did you not know the others?
Answer. They were strangers.
Question. What did they do at your house?
Answer. They whipped me, and my sister, and my aunt.
Question. How much did they whip you?
Answer. I reckon they gave me about forty or fifty licks.
Question. What did they whip you with?
Answer. With some kind of whip; I do not know what it was.
Question. Did they whip you as they were going on to John Walthall's house, or as they were coming back?
Answer. As they were coming back, after they had done shot him.
Question. What reason did they give for whipping you?
Answer. They never said what they whipped us for; just whipped us and told us to stay at home, and we were already at home.
Question. Did they whip you over your clothes?
Answer. Yes, sir.

By Mr. LANSING:

Question. Did you hear any reason given for shooting Walthall?
Answer. No, sir; I never heard what they shot him for.

By Mr. SCOFIELD:

Question. Were the men disguised who came to your house?
Answer. Some of them were, and some were not.
Question. Did the Monroes have anything on?
Answer. Old man Monroe, the first time they came into the house, had something on his face; but the last time he came in he did not have anything on his face.

ATLANTA, GEORGIA, *October* 21, 1871.

LETITIA LITTLE (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?
Answer. I do not know how old I am, or where I was born; I live down at Williams's Mills, in Haralson County.
Question. Where were you at the time that John Walthall was shot?
Answer. I was down in my ma's house.
Question. Whose house is that?
Answer. It is one of Mr. Williams's houses.
Question. Who is your mother?
Answer. Jane Little.
Question. Did any parties come to your house that night?
Answer. Yes, sir.
Question. Did they say what they came for?
Answer. They said they came there to kill uncle John Walthall.

Question. Who said that?
Answer. The Ku-Klux said so.
Question. Did you know any of them?
Answer. Yes, sir.
Question. Which ones?
Answer. Ben. Monroe and Neil Monroe.
Question. Did they say what they were going to kill him for?
Answer. No, sir.
Question. Did they trouble you in any way?
Answer. They whipped us.
Question. Did they whip you?
Answer. Yes, sir.
Question. When was that; as they were going, or when they were coming back?
Answer. When they came back.
Question. How many blows did they strike you?
Answer. I do not know.
Question. Why did they whip you?
Answer. They just whipped us and told us to stay at home.

By Mr. LANSING:

Question. Were you going to any school at that time?
Answer. No, sir.
Question. Did they say where you had been that they complained of?
Answer. No, sir.
Question. Have you told us all they said?
Answer. Yes, sir.

By Mr. BAYARD:

Question. You do not know how old you are, or where you were born?
Answer. No, sir.
Question. Did you know what you meant when you swore on that Bible?
Answer. On the Bible?
Question. When that gentleman put the oath to you did you know what he meant?
Answer. Put the oath?
Question. Do you know what an oath is?
Answer. No, sir.
Question. Do you know what that gentleman meant when he said something when I first came into the room?
Answer. No, sir.

By the CHAIRMAN:

Question. Do you know what swearing to tell the truth is?
Answer. Yes, sir.
Question. Suppose after you are sworn to tell the truth you should tell a lie; what ould be done to you?
Answer. I do not know.

ATLANTA, GEORGIA, *October* 21, 1871.

MARIA CARTER (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?
Answer. I will be twenty-eight years old on the 4th day of next March; I was born South Carolina; and I live in Haralson County now.
Question. Are you married or single?
Answer. I am married.
Question. What is your husband's name?
Answer. Jasper Carter.
Question. Where were you on the night that John Walthall was shot?
Answer. In my house, next to his house; not more than one hundred yards from his ouse.
Question. Did any persons come to your house that night?
Answer. Yes, sir, lots of them; I expect about forty or fifty of them.
Question. What did they do at your house?
Answer. They just came there and called; we did not get up when they first called. e heard them talking as they got over the fence. They came hollering and knocking the door, and they scared my husband so bad he could not speak when they first me. I answered them. They hollered, "Open the door." I said, "Yes, sir." They

were at the other door, and they said, "Kindle a light." My husband went to kindle a light, and they busted both doors open and ran in—two in one door and two in the other. I heard the others coming on behind them, jumping over the fence in the yard. One put his gun down to him and said, "Is this John Walthall?" They had been hunting him a long time. They had gone to my brother-in-law's hunting him, and had whipped one of my sisters-in-law powerfully and two more men on account of him. They said they were going to kill him when they got hold of him. They asked my husband if he was John Walthall. He was so scared he could not say anything. I said, "No." I never got up at all. They asked where he was, and we told them he was up to the next house. They jerked my husband up and said that he had to go up there. I heard them up there hollering "Open the door," and I heard them break the door down While they were talking about our house, just before they broke open our door, I heard a chair fall over in John Walthall's house. He raised a plank then and tried to get under the house. A parcel of them ran ahead and broke the door down and jerked his wife out of the bed. I did not see them, for I was afraid to go out of doors. They knocked his wife about powerfully. I heard them cursing her. She commenced hollering, and I heard some of them say, "God damn her, shoot her." They struck her over the head with a pistol. The house looked next morning as if somebody had been killing hogs there. Some of them said, "Fetch a light here, quick;" and some of them said to her, "Hold a light." They said she held it, and they put their guns down on him and shot him. I heard him holler, and some of them said, "Pull him out, pull him out." When they pulled him out the hole was too small, and I heard them jerk a plank part off the house and I heard it fly back. At that time four men came in my house and drew a gun on me; I was sitting in my bed and the baby was yelling. They asked, "Where is John Walthall?" I said, "Up yonder." They said, "Who lives here?" I said, "Jasper Carter." They said, "Where is John Walthall?" I said, "Them folks have got him." They said, "What folks?" I said, "Them folks up there." They came in and out all the time. I heard John holler when they commenced whipping him, They said, "Don't holler, or we'll kill you in a minute." I undertook to try and count, but they scared me so bad that I stopped counting; but I think they hit him about three hundred licks after they shot him. I heard them clear down to our house ask him if he felt like sleeping with some more white women; and they said, "You steal, too, God damn you." John said, "No, sir." They said, "Hush your mouth, God damn your eyes, you do steal." I heard them talking, but that was all I heard plain. They beat him powerfully. She said they made her put her arms around his neck and then they whipped them both together. I saw where they struck her head with a pistol and bumped her head against the house, and the blood is there yet. They asked me where my husband's gun was; I said he had no gun, and they said I was a damned liar. One of them had a sort of gown on, and he put his gun in my face and I pushed it up. The other said, "Don't you shoot her." He then went and looked in a trunk among the things. I allowed they were hunting for a pistol. My husband had had one, but he sold it. Another said, "Let's go away from here." They brought in old Uncle Charlie and sat him down there. They had a light at the time, and I got to see some of them good. I knew two of them, but the others I could not tell. There was a very large light in the house, and they went to the fire and I saw them. They came there at about 12 o'clock and staid there until 1. They went on back to old Uncle Charley's then, to whip his girls and his wife. They did not whip her any to hurt her at all. They jabbed me on the head with a gun, and I heard the trigger pop. It scared me and I throwed my hand up. He put it back again, and I pushed it away again.

Question. How old was your baby?

Answer. Not quite three weeks old.

Question. You were still in bed?

Answer. Yes, sir; I never got up at all.

Question. Did they interrupt your husband in any way?

Answer. Yes, sir; they whipped him mightily; I do not know how much. They took him away up the road, over a quarter, I expect. I saw the blood running down when he came back. Old Uncle Charley was in there. They did not carry him back home. They said, "Old man, you don't steal." He said, "No." They sat him down and said to him, "You just stay here." Just as my husband got back to one door and stepped in, three men came in the other door. They left a man at John's house while they were ripping around. As they came back by the house they said, "By God, good-bye, hallelujah!" I was scared nearly to death, and my husband tried to keep it hid from me. I asked him if he had been whipped much. He said, "No." I saw his clothes were bloody, and the next morning they stuck to him, and his shoulder was almost like jelly.

Question. Did you know this man who drew his gun on you?

Answer. Yes, sir.

Question. Who was he?

Answer. Mr. Finch.

Question. Where does he live?

Answer. I reckon about three miles off. I was satisfied I knew him and Mr. Booker.

Question. Were they considered men of standing and property in that country?

Answer. Yes, sir; Mr. Finch is married into a pretty well-off family. He is a good liver, but he is not well off himself.

Question. How is it with Mr. Booker?

Answer. I do not know so much about him. He is not very well off.

Question. How with the Monroes?

Answer. They are pretty well-off folks, about as well off as there are in Haralson. They have a mill.

By Mr. BAYARD:

Question. You said they had been looking a long time for John Walthall?

Answer. Yes, sir.

Question. Had they been charging John with sleeping with white women?

Answer. Yes, sir; and the people where he staid had charged him with it. He had been charged with it ever since the second year after I came to Haralson. I have been there four years this coming Christmas.

Question. That was the cause of their going after him and making this disturbance?

Answer. Yes, sir; that was it. We all knew he was warned to leave them long before he was married. His wife did not know anything about it. When he first came there he was staying among some white women down there.

Question. Do you mean living with them and sleeping with them?

Answer. He was staying in the house where they were.

Question. White women?

Answer. Yes, sir.

Question. Were they women of bad character?

Answer. Yes, sir; worst kind.

Question. What were their names?

Answer. They were named Keyes.

Question. How many were there?

Answer. There were four sisters of them, and one of them was old man Martin's wife.

Question. Were they low white people?

Answer. Yes, sir.

Question. Had John lived with them for a long while?

Answer. Yes, sir. They had threatened him and been there after him. They had gone there several times to run them off. My house was not very far from them, and I heard them down there throwing rocks.

Question. Was it well known among you that John had been living with these low white women?

Answer. Yes, sir.

Question. Did he keep it up after he was married?

Answer. No, sir; he quit before he was married. I heard that a white woman said he came along there several times last year and said he could not get rid of them to save his life.

Question. Did John go with any other white women?

Answer. No, sir; not that I know of.

Question. Was he accused by the Ku-Klux of going with any of them?

Answer. They did not tell him right down their names. I heard them say, "Do you feel like sleeping with any more white women?" and I knew who they were.

By the CHAIRMAN:

Question. These women, you say, were a low-down class of persons?

Answer. Yes, sir; not counted at all.

Question. Did white men associate with them?

Answer. It was said they did.

Question. Did respectable white men go there?

Answer. Some of them did. Mr. Stokes did before he went to Texas, and several of the others around there. I do not know many men in Georgia any way; I have not been about much. I have heard a heap of names of those who used to go there. I came by there one night, and I saw three men there myself.

Question. You say John Walthall had been going there a good while?

Answer. Yes, sir; that is what they say.

Question. How long had he quit before they killed him?

Answer. A year before last, a while before Christmas. He was still staying at old man Martin's. I staid last year close to Carroll, and when I came back he had quit.

Question. Did he go with them any more after he married?

Answer. No, sir; he staid with his wife all the time. He lived next to me.

Question. How long had he been married before he was killed?

Answer. They married six weeks before Christmas, and he was killed on the 22d of April.

Question. Did they charge your husband with going after any white women?

Answer. No, sir; I never heard them say anything to him at all. The next morning I asked him what they whipped him for. He said they told him that he stole corn from old man Monroe. He staid at Monroe's a year and a half—so I was told; I do not know. People said that Monroe never paid him anything.

Question. How long before this was he living at old man Monroe's?

Answer. We have been married four years, and it was before we were married. I think it was the second year after he was free.

Question. Were any of these men along that night who had been going to see these low women?

Answer. I do not know; I heard that Mr. Murphy's sister said that he was in the crowd that night—his little sister—and I know he used to go there.

Question. Is he one of those who have gone to Texas?

Answer. No, sir.

By Mr. BAYARD:

Question. You know that because somebody told you so?

Answer. Yes, sir; that much. I do not know it myself; I heard some one else say it.

ATLANTA, GEORGIA, *October* 21, 1871.

ELIZABETH HOLLIDAY sworn and examined.

By the CHAIRMAN:

Question. Where do you live; where were you born, and what is your age?

Answer. I live in Jackson County, where I was born; I was thirty-eight years old the 5th of last May.

Question. Are you married?

Answer. Yes, sir.

Question. Will you state to the committee whether you or your husband have had any knowledge any way of those people that are called Ku-Klux?

Answer. Yes, sir.

Question. State all that you know about it; if they came to your house, and what they said and did.

Answer. They came to our house; my husband saw them coming into the gate; he knew their business.

Question. When was that?

Answer. It was on the 25th or the 26th of July last, about 11 o'clock at night.

Question. How many were there in all of them?

Answer. Twenty-five or thirty; maybe more; there was considerable of a crowd.

Question. Were they riding or walking?

Answer. They were walking when they came to our house, but they hitched their horses about a quarter of a mile off.

Question. Were they disguised?

Answer. Yes, sir.

Question. What kind of disguise did they have on?

Answer. It looked to me like black oil-cloth over their faces, which came down over their arms. As they entered the gate Mr. Holliday saw them; they had not hollered or made any noise. He shot at them, and when he shot they let into shooting. I reckon they shot fifteen or twenty times. From that one of them hollered to come on. They went to the kitchen and broke down the door and went in there. There were some black folks there, and they made them get up a light. They took an ax and cut down the door into the dining-room where there was a little negro boy staying. As they went to enter in there Mr. Holliday struck at them with his gun, and the little negro boy said he saw two fall in the door-way; and then he got scared and covered up his face, and did not see how they got away. One of them said to the others, "I've got him, boys;" and he [Mr. Holliday] said he reckoned half a dozen, maybe more, covered him then. He had a large knife which he took out of his pocket, and while he was opening it one of them struck him with a pistol. He said he just hugged one with his left arm, and let into him with his knife, and he hollered, "Help me, boys, he is killing me." He let him go, and they covered him again, and he let into another one. He understood the voice of one. They said, "Stand back, boys, let's shoot him." He says he reckoned they shot some eight or ten times at him; that the bullets were flying all around him. There was another room next to the bed-room I was sleeeping in, and I think they shot some ten or a dozen times into that room. He [Mr. Holliday] said he thought it was best for him to get out from among them, and he went out of the back door. They pretended to look up-stairs, but I do not think that they ever got their heads up there;

they appeared to be the worst frightened folks you ever saw. They fired at him as he went out of the door, and the shots struck the facing of the door. From that they rummaged over the house; one talked to me, and while he was talking the others took a drill-sword and a pistol which Mr. Holliday had there, and threw some band-boxes down and broke them to pieces. I do not think they staid in the house more than a minute after he left. Some came back to the kitchen in a hurry. I asked the little negro boy what they came back for; he said they came back there for a pistol. I allowed it was some of them which he [Mr. Holliday] knocked down.

Question. How many shots were fired altogether by your husband and by the others?

Answer. Perhaps twenty-five or thirty.

Question Do you know whether anybody was injured by the shooting?

Answer. The report was that two of them were shot down at the gate; that he killed two at the gate; that he knocked two dead with his gun, and cut two of them all to pieces with his knife. He says he did that.

Question. Was your husband hurt?

Answer. Only bruised over his eye and a little gash in his forehead, and a cut across the joint of his finger, a right smart gash.

Question. Did you know any of the people that came there?

Answer. I think I can swear to one of them safely; to Jim Finch.

Question. Where does he live?

Answer. About two miles from us.

Question. Is he a man of any substance and character in the community

Answer. His father has a splendid plantation; he is a young man.

By Mr. BAYARD:

Question. How old is he?

Answer. Some 23 or 24 years; maybe 25.

By the CHAIRMAN:

Question. Did they give any reason why they came to your house?

Answer. Not particularly. It was reported that some of them said it was not any of the settlement folks. But the way they came into the house and acted, I knew it was the settlement folks. They took a drill-sword and pistols, and they knew where they were just as well as I did.

Question. You think they had been in the house before?

Answer. Yes, sir.

Question. Why did they come there, do you suppose?

Answer. I will tell you what I believe made them come. He [Mr. Holliday] was opposed to Ku-Kluxing. He had three plantations to attend to. The lower plantation was a splendid plantation, and the negroes on that plantation had heard that the Ku-Klux threatened them, and they got afraid to stay there. They never staid in their houses while they were on the plantation. One dug a hole and staid in it all night, and the rest laid out. He [Mr. Holliday] talked pretty harsh about it, and said that he did not want them to pester his hands; that if they did anything wrong, let them abide by the law. They ran his hands off, and that threw a parcel of hands for me to wait on, while my little child was sick, and it died while I had them to take care of. He [Mr. Holliday] read the Ku-Klux law to one of his neighbor's sons.

Question. Do you think he was one of the Ku-Klux?

Answer. Yes, sir. I am sorry to have it to say that I live in such a settlement. Mr. Holliday is a hard-working man, and is doing well down there.

Question. How does he vote?

Answer. He votes the democratic ticket. They accused him of being a radical, and all that sort of thing. One Saturday night, when he was away, one of my neighbors came there and said he wanted to see Mr. Holliday. I said he was not there, and asked him if he would let me know what he wanted to see him for. He said that a person told him that if Mr. Holliday would write some papers and stick them up in a public place the Ku-Klux would not pester him any more; if he would not do that there would come a crowd of a hundred men on him. He said there would be a crowd to watch that house that night, and that they had watched it the Saturday night before. There was only myself and three little children and a little colored boy there at the time.

Question. Who charged your husband with being a radical?

Answer. I could hear it through the settlement. These Finch boys have sometimes said "Just like Bob Holliday, a radical." McElhannon's sons are the finest boys in the whole settlement or country, and they said that the Finches cursed them for coming to our house.

Question. Is it understood that there are a great many Ku-Klux in Jackson?

Answer. Yes, sir; it is thought by a heap of folks that over half of them are Ku-Klux; I would not be surprised if it was so.

Question. Who is the head man among them?

Answer. I do not know. There is a cave dug in an old field where they hide their clothes; and there is another, a few miles from there; and then, I heard that there was a trench in the woods about as long as this room, with a coffin in it; and the opinion of folks is that that is where they come to join. I did hear that the neighbors were going to watch, but I never have heard whether it has been done or not.

Question. Do the people there approve of the doings of the Ku-Klux?

Answer. I hardly ever hear them say anything against it, or about it any way. I thought they were afraid to say anything.

Question. Did you ever know who it was that got hurt that night by your husband?

Answer. I heard of one young man being hurt, and he told them that a mule threw him and hurt him.

Question. He did not say he had been at your house?

Answer. O, no; he would not say that. If he had got killed they never would have let on that he had got hurt there.

Question. Has anybody ever prosecuted your husband for what he did that night?

Answer. No, sir.

Question. Where is your husband?

Answer. Somewhere here in this city, I think.

By Mr. BAYARD:

Question. Had you ever seen any of these men yourself, except on the occasion when they attacked your house?

Answer. No, sir.

Question. All that you know about it you derived from rumor in the neighborhood, except what you saw that night?

Answer. Yes, sir.

Question. About these caves of which you have spoken, how far are they from your house?

Answer. One of them is a quarter, and the other, I reckon, some two miles farther.

Question. Did you ever see any of these things yourself?

Answer. No, sir.

Question. Did your husband ever visit them?

Answer. I think he has.

Question. Have you been before the grand jury since you came here?

Answer. Yes, sir.

Question. This business has been taken up by the court?

Answer. Yes, sir.

Question. Whom did you charge with this offense against you; whom does your husband charge with it?

Answer. He says he would swear to Jim Finch, and he has told me of several others.

Question. Has he told the grand jury of it?

Answer. Yes, sir; and I have thought it mighty strange the way that jury has acted.

Question. Were you able to identify any of these men?

Answer. Yes, sir, one.

Question. Who was he?

Answer. Jim Finch.

Question. How did you identify him?

Answer. By his make and shape, and the manner of his voice. Can you not tell anybody's make you are used to?

Question. You believe he was there?

Answer. Yes, sir, I do.

Question. Why did your husband read that law to a neighbor's son?

Answer. Because of the way they were going on.

Question. Did he think the neighbor's son was engaged in it?

Answer. I should not be surprised if he did.

Question. He read this law to caution him?

Answer. Yes, sir.

Question. Was that before or after the attack on your house?

Answer. It was afterwards.

Question. Have you had any attack upon your house since the time to which you refer?

Answer. No, sir; it was reported that they watched the house.

Question. I want to know what you know yourself. You have had no attack on your property since then?

Answer. No, sir.

Question. You said your husband was a democrat?

Answer. Yes, sir,

Question. Is he an outspoken democrat?

Answer. I reckon.

)uestion. Does he vote the democratic ticket?
lnswer. Yes, sir; and he spoke out free.

By the CHAIRMAN:

)uestion. Was he a Union man or a rebel during the war?
lnswer. He was a Union man; and we believe that many of them got a spite against
ı until this day for that. He had a mill, and his mill exempted him from service in
army; and they had a spite against him for that. He came to this place twice, and
y gave him permission to return home. I have always thought they had a grudge
ıinst him about that. There is no use talking about folks in this world; they envy
t man, and have talked scandalously about him. He is a prosperous man, and gets
ng well in the world, and has worked hard for it.

By Mr. BAYARD:

)uestion. You think they envy his prosperity?
lnswer. Yes, sir.
)uestion. And that makes them feel badly toward him?
lnswer. That is it partly.
)uestion. Mr. Finch was all the one of that crowd that you knew?
lnswer. He is all the one I can swear to safely. There is one there which Mr. Skiles
k up, and I went to see him. There was one man there whose false-face fell off,
I I looked at him the hardest I ever did in my life, but I could not make him out.
ın the way Mr. Skiles described to me the man that he took up, I am certain it
st be the same man.

By the CHAIRMAN:

)uestion. Do you think you could recognize that man now?
lnswer. Yes, sir; I told Mr. Skiles that if he would place him in the same position,
he night, with a light, I would know him. He described the man to me as near as
)uld describe him myself; and he is a man by the name of Kennedy.

ATLANTA, GEORGIA, *October* 21, 1871.

. R. HOLLIDAY sworn and examined.

By the CHAIRMAN:

)uestion. What is your age; where were you born; where do you now live; and
at is your occupation?
lnswer. I am forty-one years of age; I was born in Jackson County, and I now live
re; my former occupation was millwrighting; now I am a farmer and a millwright
h.
)uestion. Mrs. Holliday has given us an account of the attack made upon you last
ımer; will you give us your account of it?
lnswer. In the early part of the spring, either in April or May, those parties com-
ıced to interfere with some of my hands on my lower plantation. I have three
ntations. I was attending to my mills at that time. My hands came to me and
l me that they were afraid to stay on the plantation. I asked them why, and they
l me that they had discovered some disguised men about there. I told them that
y should not be afraid; that I would protect them; they said they were very much
rmed; that there had been some threats made, and they were afraid to stay there;
l asked me what they should do. I told them I would protect them the best I could,
l if those parties interfered with them I would raise them with the law; that no
n had any prerogative to go upon my plantation and interfere with them, unless
y had done something against the law; and that I would protect them at all haz-
s. Shortly after that I found that a portion of my hands there had made some little
ing places in which to stay at night; for a number of wild boys in my settlement,
o had always professed friendship to me, had gone down there and commenced to
ıoy those colored men. I met those boys and talked to them about it. I said to them,
am very much hurt at your undertaking to scare my hands and to interfere with
m without letting me know it. If those hands had done anything wrong you should
e let me know it. I don't want you to do so any more, and if you do anything con-
ry to the laws of the country I will get you punished for it." It is a general under-
nding through the country there that some of the freedmen have been whipped and
red off. I said to these wild boys: "You see, some of my hands have run away.
w, I have always treated you friendly, but if any of you do this I intend to lift him
h the law." It looked ever after that as if they had a grudge at me. I saw it even
he custom at my mill, in the treatment I received, and in all sorts of lies that could be
ed upon a man, and which were calculated to interrupt his relations even with his
e and with her folks, and between my folks and me. Finally this thing went on until

one night about eleven o'clock I was informed they were conspiring together. Prince McElhannon sent me word that they were conspiring together, and that I had better keep my eyes skinned that night. I sent off and got a gallon of spirits to treat my hands with: I moved from my wife's room into another bed-room. There were four rooms on that floor of the house—a cook-room, dining-room, and bed-room, and one where I and my wife sleep. About eleven o'clock I heard my dog bark. I will say that I had heard threats all the year; but I thought they did it to aggravate me because I opposed the Ku-Klux party, and showed them the law, and told them that it was injurious to our State for them to act that way, and that it would fetch our State into trouble, that it was a bad thing and a dangerous thing. I explained the whole law to them, but it looked like it aggravated them. At eleven o'clock that night I heard my dog bark. I peeped out of the window, and I saw some disguised men coming in my gate. They were not ten steps off, and probably there were betwixt twenty and thirty of them. shot right into the pile of them. I had nothing but duck shot in the gun. My pistol was on the mantlepiece. I had a drill-sword that belonged to my brother. He was captain of that district during the confederate war. When I shot, a portion of them dispersed. Some rushed one way and some another. This man Jim Finch came rallying the crowd. He was about three parts drunk, and ran into the cook-room, hollering "Come on, boys." I did not know which door they would come in at. I went to the back room, where my wife slept, and I saw, through the crack of the door, some parties whom I knew and whom I recognized. One of them says, "Let's run in here; they are fighting in the cook-room." I saw that the whole crowd was going to gather there, and I went to the door of the dining-room. One of them had an ax in a belt around him. This fellow Jim Finch ordered the door to be cut down. I was standing by the side of the door with a gun, and as they came in I knocked down some two or three men, or three or four of them. Then it seems as if I struck a little too high and hit the top of the door, for I broke my gun. I was in my shirt-sleeves, and bareheaded and barefooted. I then got out this knife, [taking from his pocket a large knife.] While I was getting it out, they ran in and covered me all over, and struck my head with a pistol. Then they cut me on this knuckle, [pointing to it.] The first man I cut I stuck my knife right in here, [putting his finger over the region of the heart.] The other man I cut a little higher than that, I do not know exactly where; and the third one I cut I do not know how. We fought there until the crowd was pretty much dispersed out of the room. I whipped them entirely out of that room. The reason I was saved was this: I had a colored man there, who was very much scared. He got a light, and as he was coming in behind them with the light, I could see them, and they could not see me. One of them said "Take care boys; let me shoot him." That was after I had pretty much whipped the crowd out with my knife. Then two of these fellows followed me, shooting at me. We fought clear from the dining-room all through the bed-room, and into my wife's bed-room, and they shot into the facings of the door. They were so scared that that is the way, I think, that kept them from killing me. I then unbolted the back-room door and went out, for I saw there was no sense in my fighting men with my knife when they all had pistols. I went out into the orchard and lay down there a minute, to see which way the crowd were going. I thought I would go over the hill and get a double-barreled gun, and meet them at their homes and kill them; but I found that the road was picketed. I recognized a portion of the men.

Question. State the names of as many as you think you recognized.

Answer. I recognized Jim Finch; I recognized Nolan Lay, who is a man I could prove got the sword. They talked to my wife during this time, and while Finch was talking to her they were plundering around; they took the sword and the pistol off the mantlepiece. My wife took my trunk up on the bed and covered it with the counterpane.

Question. Did you recognize any of the others?

Answer. Yes, sir; I recognized Richardson Lay, Jack Haney, and Parks Whitehead. I recognized Parks Whitehead after I had shot at them, and before they gathered in the house. A portion of them carried off the wounded. I think I recognized Green Martin; Matt Finch I struck with the butt of my gun when he opened the door. I think I recognized Franklin Martin, as a picket, the next morning about daylight.

Question. Did you, the next morning, see any sign of any injury having been done by your cutting or shooting?

Answer. I looked, but I saw nothing but bullet-holes, and some blood on my knife. I was mad, and fretted and pestered in such a manner that I did not take much time to look. There was a little blood on my forehead. A great many parties came in, and there was a great deal of confusion and excitement.

Question. What was your course during the war?

Answer. I opposed secession *in toto*. During the time of it, I staid at home and attended to my mills myself. I attended to all the wants of the people, even to the wives of the soldiers, and took care of my old mother, who had no protector whatever there. I built water-wheels for factories, &c.

uestion. What has been your political course since the war?
nswer. As a general thing I have taken no political stand, no more than I have osed fighting against the Government. As a general thing I have spoken against set of people being lawless, or doing anything contrary to the Government. I said ; the best thing that the people could do was to behave themselves; that the Govnent would give them all their rights if they would only behave themselves, and r themselves a loyal people, and not a rebellious people.
uestion. You have taken no active part in politics since the close of the war?
nswer. No, sir. I do not think I have voted but once since then, because I did not k there was much use in voting, the way they were going on, and from what I d see of the general feeling of the people. And, more than that, I did not think Government would find much use spending money here, unless we have the right l of men to try these cases before them.
uestion. How long have these people been in your county?
nswer. From the best of my knowledge, they have originated there since last April. hands were the first to tell me about them. I was very much astonished here day re yesterday to learn how far they had carried this thing in other counties, and to out the conspiracy in Jackson County and other counties, and to learn that they put up a large sum of money to bribe this thing through. My honest opinion, on , is that there is a large amount of money to defeat me in this thing; that is my est opinion.
uestion. Who is understood to be at the head of this Ku-Klux order in your county?
nswer. That is pretty hard to say. There are several men who take a very active ; in it. We found a cave on a plantation where they hide their disguises. As a eral thing, they dig a hole somewhere in the ground at the head of a gully, and r it over with boards or pine-tops to hide their disguises. We found two caves of description within two miles of our house.
uestion. Was there any evidence of many people being there?
nswer. The last cave I looked at, about a mile and a half or two miles above me, ted like they had hitched a great many horses there.
uestion. Has anybody else been molested by them in the county except yourself and r hands?
nswer. Yes, sir; several people, white and black, have been ordered not to talk ut the Ku-Klux; they have been told that if they did not stop it, they would be pped the next time they came.
uestion. Do you know whether any have been whipped?
nswer. I do not think there has been any white man whipped, but several freedmen e been whipped. The first was Mitchell Reed, about a half a mile from my house; r whipped him in a terrible manner.
uestion. Did you see him after he was whipped?
nswer. Yes, sir; he passed my house the next morning. I asked some of my hands at was the matter with him, and they said the Ku-Klux had been whipping him. wife told me that she had to put his shirt in soak.
uestion. Do you know what they alleged against him?
nswer. Yes, sir; I think I do. From the best information I could get, they had had ttle difficulty at a corn-shucking. A drunken party got up a wrestle, and two or e of them got on this colored man, and gouged him. He complained of them, and r said they would gather up a crowd and whip him.
uestion. Are there any persons in your county who openly and publicly justify the Klux?
nswer. Yes, sir.
uestion. What sort of people are they?
nswer. They are men of very common standing and talent; these Martins justify n.
uestion. Upon what ground?
nswer. I cannot tell what reason, no more than they seem to think it is honor, or r, or their principle, or what not. One thing, they do not express themselves very nly to me, because they know we would not agree.
uestion. What do they claim to be the object of the Ku-Klux?
nswer. As much as I can learn, it is to keep the negroes down. So far as I can erstand, they claim this to be a second law there in this way: betwixt a man and wife, or a man and his tenants, or a man and his fellow. I have asked them many e what they have to gain by such a thing; what they thought they could make t, or what good they thought they could do; and if they did not think the State of rgia was capable of governing itself.
uestion. Have you any freedmen's schools in your county?
nswer. Only Sunday-schools, and those men who suffer them on their plantations vilified. Since this fight that I have had, they have told it around through the le country, in order to vilify and degrade me in the worst manner, that I had got parcel of negroes to kill out that set. After I heard that, I told them plainly that I

could whip that party myself; that I had done it once, and I did not want any negroes to help me fight them.

Question. Has there been any trouble about negroes voting in your county?

Answer. I do not know anything but rascality; they will swindle a negro out of his vote, and lie to him. These very men who run them down at night and whip them will, on election day, come up to them and treat them, and try to get their friendship in the best manner they can.

By Mr. BAYARD:

Question. As the matter of politics has been brought into this examination, I will ask you how you voted at the last election.

Answer. I was asked that question the other day before the grand jury. I disremember now; I could not tell you to save my life. As regards politics, I stand with the man I regard as the soundest man.

Question. Did you vote the democratic ticket?

Answer. I do not know. I have always been a democrat until lately; but if this what they call democracy in the South, I am done with it. I have always been a democrat. My parents are democrats.

Question. And your votes have been in that direction?

Answer. Yes, sir.

Question. There has been no election, I believe, since this attack on you?

Answer. I will tell you what sort of a man I am. Since 1851 I have made between fifty thousand and sixty thousand dollars by my own hard licks; I have ground and sawed in the nights away until midnight.

Question. I think every man should be protected in the free exercise of his opinions; I only want to know if you have been an avowed democrat until this attack on you.

Answer. Yes, sir; but I opposed secession, and I have opposed Ku-Kluxing to the bitter end.

Question. Was there any attack upon your hands by these disguised men before *this* attack on you?

Answer. No, sir; no more than I found that they had a grudge at them, and went down there to commence to devil and fool with them. They knew that the negroes were very easily scared with Ku-Klux. I just took it for granted that probably they would run my hands off, in order to get the land themselves.

Question. They frightened them, but they did not in fact make any attack on them?

Answer. No, sir; they frightened them, but did not actually attack them.

Question. Has there been any disturbance in your neighborhood since this attack on your house?

Answer. No, sir; for I think I have pretty well cured them.

Question. Have you really any information of a reliable character, enough to enable you to form an opinion, as to the extent of this band, and who were the members of it?

Answer. Yes, sir; I will tell you how I formed my opinion—from what I have heard of the depredations committed in Lawrenceville, and of the conspiracy in Jackson County. The first I heard of them was of their conspiring at Jack Haney's. John Reynolds was seen at Jack Haney's, and about fifteen horses were hitched inside the lot.

Question. I mean, can you state what are the numbers of the organization?

Answer. I cannot tell you about the numbers.

Question. Can you tell us what class of population you think take part in these lawless bands?

Answer. Well, sir, they are pretty loose. But I found men helping to get these fellows off, and doing all they could for them, that I thought were my best friends.

Question. I am speaking of those who are in the band.

Answer. Well, some are of pretty good standing, but a great many of them are a low-down class of men, who do not care what they do. Then there are men in it you and I would not think would have anything to do with any such thing; yet they tolerate it. I believe it is because of dissatisfaction about the freedom of the negro I cannot see anything else. They seem to want to torment and horrify the negro.

Question. Are these men who do that men who need the labor of the negroes?

Answer. I do not know but what they do. I have studied about this thing a good deal. I have seen one class of people who, in my judgment, are disposed to run the negro out of the country, in order that they themselves might obtain good wages as men of property, and who would like to get the land which these freedmen rent; there is another class of people who have the old rebellious spirit in them still, and still dissatisfied about the negroes, and would be glad to aggravate the negro and run him off; yet, if the negro is in their employ, they will protect him, unless they have difficulty with him, and then he is reported to the Ku-Klux. If they have a difficulty with a negro, he is reported to the Ku-Klux. I saw that, just about the time I got done laying by their crops, the Ku-Klux would be brought in upon them, and I would be run off, so that they could take their crops.

Question. They undertake to regulate things without law?

Answer. Yes, sir.

Question. Do you know any cases of this kind within your own personal knowledge?

Answer. Yes, sir; there was a case just below me. Sampson Reed had a son, named Charles, who, after they had whipped Mitchell Reed, his brother, had made some threats that they would not abuse him at all. I told the negro that they would ruin him or kill him. I said to him, "Don't you let that boy stay here until you get the crop laid by." When it was about done—that is, the crop laid by—he said that he was going to Atlanta the next week. He came to Atlanta that week, and they came to him the very next week.

Question. Where did you lodge your complaint of the attack on you?

Answer. I came first to see Governor Bullock, but he was gone to New York. I then went before the secretary, (I do not remember his name,) and then before the attorney.

Question. What attorney?

Answer. Mr. Pope.

Question. Have you been before the grand jury?

Answer. Yes, sir.

Question. Are the witnesses all here with you?

Answer. I have nearly forty witnesses here, both black and white.

Question. The case, then, is brought to the attention of the court?

Answer. Yes, sir; only about a quarter of my witnesses have been examined.

By Mr. SCOFIELD:

Question. No bill has been found?

Answer. No, sir; although the evidence was so point-blank. Finch was sworn to point-blank by those men; so they said to me.

By Mr. BAYARD:

Question. Who is James Finch?

Answer. He is a young man who lives about two miles from me. Then there is another thing: directly after this fight a portion of these parties got up a subscription to stop this thing.

Question. What do you mean by that?

Answer. While I was here, they drew up a subscription, or a certificate, or whatever it may be termed, and notified the people to come in and sign it and stop it.

By Mr. LANSING:

Question. To stop these Ku-Klux?

Answer. Yes, sir.

By Mr. SCOFIELD:

Question. A sort of agreement of peace?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Do you think those people who got that up were concerned in this attack on you?

Answer. Yes, sir; they all met at the barbecue.

Question. What was the effect of that?

Answer. It was to devise means to get out of it.

Question. How many people signed that paper?

Answer. Some twenty-five or thirty or forty; it was published in the Watchman, of Athens.

Question. How long ago was it?

Answer. Some time in August; my father-in-law put his name to it, but he was very sorry that he did put his name to it, and has apologized for it now since it has become such a barefaced thing.

Question. The paper proposed that these outrages should cease in that district, and that all should be quiet?

Answer. Yes, sir.

Question. And that paper was signed by thirty or forty people?

Answer. Yes, sir.

Question. Did they indicate that they belonged to the party who were engaged in this affair?

Answer. Well, sir, if they had power to stop it by signing a paper, they had power to stop it before. From the names of the parties signed, I should think pretty much all of the men were there; and then, some of them had the impudence to send me word that they wanted to talk with me. I sent them word that at one time I had thought they were gentlemen, but that now I did not want to speak to them.

By Mr. LANSING:

Question. You have spoken of Sunday-schools in your county. Have you heard any interruption or disturbance of those schools?

Answer. No, sir; I do not think they have disturbed Sunday-schools; but those men speak very liberally of any man who suffers a Sunday-school on his land.

Question. You mean, speak freely against them?

Answer. Yes, sir; and I do not think they are in favor of free schools.

Question. You say those who are suspected of being Ku-Klux are opposed to the Sunday-schools?

Answer. Yes, sir; the people generally speak disrespectfully of any man who has a negro Sunday-school on his place.

By the CHAIRMAN:

Question. You spoke of a fund being raised as a bribe. What reason have you for thinking so?

Answer. The reason is simply this: There were several witnesses before the grand jury day before yesterday who swore point-blank to these men. They told Major Skiles they would have these persons out, if it took a hundred thousand dollar bond.

By Mr. BAYARD:

Question. Whom do you mean by "they?"

Answer. That was a Methodist preacher, who proposed to preach at my wife's grandfather's funeral on that day; and in place of that, he came to my house that morning and asked Captain Skiles how large a bond it would take to bond these men out.

Question. You mean the amount of bail that would be required?

Answer. Yes, sir. Then they came here from Athens, and boasted to me as soon as they got here that they had Ben Hill here to defend them.

By Mr. LANSING:

Question. You say this man was a Methodist preacher. Which branch of the Methodist Church?

Answer. A Reform Methodist; my wife belongs to that church, too. He did not speak to me respectfully at all; looked very contemptibly at me.

By Mr. BAYARD:

Question. Do you mean that they would give bail to the amount of a hundred thousand dollars?

Answer. Yes, sir. That, and what I saw of Judge Pope and others, led me to believe ——. The first time I talked with Judge Pope about this thing, he named to me a justice of the peace, and Judge Davis, and the solicitor general, and asked if they could not do thus and so. He turned his head up, and I did not believe, from his countenance, that he intended to do anything whatever, and that is my honest opinion. Says I: "Do you think that a justice of the peace, or Judge Davis, could do anything with thirty or forty men, with probably Ku-Klux upon the jury? I am astonished. You can tell Governor Bullock that I would not give a farce for the laws of the State of Georgia for the protection of the people. What could they do down there without any protection, and probably the jury half Ku-Klux?" I had a case in the Jefferson court, and they followed me the whole court week to see if I was going before the grand jury. I believe a portion of the grand jury was composed of them. I knew I might as well tell my whole plan publicly as to go before that grand jury. I thought I would wait and see if the grand jury would do anything. I had a cousin on that jury, and several particular friends. I had on a brace of pistols, and I told them to tell the grand jury to fine me ten dollars for wearing those pistols, for I am opposed to all those things myself. I asked, "What are you going to do with that fight at my house?" They said, "We don't want to know anything about that." After the court was over, I saw them call up some little adultery cases and fornication cases, but they did not prove any of them. In a few days after that they went to Lawrenceville, and directly I heard that the court-house was burned down there. Then Judge Davis adjourned the court, and gave it up to the United States authorities. I call myself a peaceable citizen of Georgia, and I have waited for the State of Georgia to do right in this thing. I then came here and sued out these warrants.

Question. Before the United States commissioner?

Answer. Yes, sir.

Question. And these parties were arrested?

Answer. Yes, sir.

Question. What followed that?

Answer. The grand jury released them.

Question. Did they give bail to appear at court?

Answer. I do not think they gave any bail. The commissioner issued warrants and they brought the parties up, but they never examined half of the witnesses. I swore

that Matt Finch was there, and that I struck him with a gun. I do not believe they wanted to do anything, and that is why I think they were bribed.

Question. What do you think was the object of that bribery?

Answer. I think that the whole of this Ku-Klux party wanted to keep the military out of this country. They saw it was going to run into the military, and I think they paid Ben Hill heavy fees, and that he greased the balance of them. Ben Hill said to me, "Now, Holliday, we will guarantee that this thing shall not exist in the settlement any more, if you will say you will never sue out another warrant." I said I would not do that. Said I, "I think this thing never should exist, and if it does, it will ruin our State. They came on me for a fight, but there are other parties interested now besides me; the Government is fighting this thing. I cannot step between you and the Government, and you cannot step between me and the Government." He offered to pledge himself that there should be no more of this thing. That is why I believe, from all the testimony, that there was bribery. They did not carry all the evidence before the jury.

Question. You have spoken of Judge Pope; do you mean by your statement here that money has been raised which you think has affected the action of that officer?

Answer. I do, for I cannot think anything else; it is either for that or for the love of peace that these men——

Question. Do you know Judge Caldwell?

Answer. Yes, sir.

Question. Did you state your case to him?

Answer. Yes, sir, he came to my house and examined the bullet-holes.

Question. Do you embrace him in the same suspicion?

Answer. Captain Skiles I do not suspect as being bribed in any manner. They must say either that we swore to lies or else that was the reason.

Question. You base that opinion upon the fact that the bills before the grand jury were ignored?

Answer. Yes, sir.

Question. That is your ground for saying that there was bribery?

Answer. Yes, sir; for the testimony was so positive.

By Mr. LANSING:

Question. From what portion of the State are the members of this grand jury drawn?

Answer. That I cannot say.

Question. They are drawn from very many counties?

Answer. I suppose so.

Question. They are drawn from what is called the northern district of Georgia?

Answer. I think so.

Question. In justice to yourself, I desire to put one or two questions. Is it not very possible that, without any improper interference of anybody with the United States officers doing or attempting to do their entire duty, this grand jury might refuse to grant this bill, as some of them represented the localities where these acts occurred, even though they had before them the clearest evidence?

Answer. That is so.

Question. The United States officers, the officials, Mr. Hill, and all the others, might be entirely honest, entirely correct in their action, and yet a jury drawn from these very localities might be so strong against finding a bill that they would ignore one against the clearest testimony?

Answer. The jury may have done the whole thing.

Question. Is it not possible that your judgment in respect to these men just now is warped, immediately after your great disappointment in failing to have the grand jury find this bill?

Answer. I do not think it is warped in regard to the evidence.

Question. You were much disappointed because the bill was not found?

Answer. Yes, sir.

Question. May you not be doing injustice to Mr. Hill and Mr. Pope?

Answer. I do not think so.

Question. You do not design to?

Answer. I do not design to.

Question. Is it not possible that you may have done so?

Answer. No, sir; I do not think I have done any injustice toward those parties; it is a mere matter of opinion; I have never before been before a grand jury; I have always been at work for my living; I know but very little about the law, just what I read in the papers.

By the CHAIRMAN:

Question. You have referred to some affair at Lawrenceville, in which you thought the Ku-Klux of Jackson County were concerned; what was that?

Answer. From the best information I could get, those parties that conspired together all through Jackson, Walton, and Gwinnett, were the men who burned the court-house,

and were connected with the crowd in my settlement; and that the same men who were at Jack Haney's composed part of the crowd that burned the court-house.

Question. The court-house was burned since the attack on you?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Do you know how many men were concerned in burning that court-house?

Answer. I do not.

Question. Have you any personal knowledge of the transaction?

Answer. Only from hearsay. Major Skiles gave me more information than any one else. He told me that he had captured a man who is here in prison, whose jaw-bone was broken, and whose arm was broken, and he thought he had captured one of the men I had hurt in the fight that night.

By Mr. SCOFIELD:

Question. What did he take him for?

Answer. For burning the court-house.

Question. And he supposed that he was one of the same men who attacked you, from the fact that he found his jaw-bone broken and his arm broken?

Answer. Yes, sir. I have known this young man, Reynolds, ever since he was a boy They captured him, but he ran away.

Question. The marshal arrested him under United States process?

Answer. Yes, sir.

Question. How many were arrested?

Answer. I think some eleven or more.

Question. Have there been new warrants sued out against them?

Answer. I do not know.

Question. You do not know the condition of the suit against them now?

Answer. No, sir.

Question. Who is Captain Skiles?

Answer. He is a United States detective; so I understand.

ATLANTA, GEORGIA, *October* 23, 1871.

MARY RAY sworn and examined.

By the CHAIRMAN:

Question. What is your age, where do you live, and where were you born?

Answer. I am going on fifty-six years of age; I was born in Jackson County, and I now live there.

Question. How far do you live from Mr. Holliday's?

Answer. I reckon it is about two miles.

Question. Do you know the time when the Ku-Klux went to his house?

Answer. I recollect when it was, but I do not know what day or night it was.

Question. Did you see them?

Answer. Some persons who were disguised came to our house the same night.

Question. How many?

Answer. I did not count them, but I reckon there were probably eighteen or twenty.

Question. Were they walking or riding?

Answer. They were riding.

Question. What did they do at your house?

Answer. They came there and hollered three times, but I never said anything, nor did my son, until they hollered the third time. They told him to get up and open the door, and to tell them the way out of there. He opened the door, and they asked who lived there. He said, "Willis Ray." They said, "Is he here?" He said, "No; he has started to Russell Harris's." They said, "Are you sure you are telling the truth?" He said, "I try to tell nothing but the truth." They said to some one, "Go around to the other door and kindle up a light." He said, "Mother, is there any piece of light-wood on the hearth? I think I burned up the last before I laid down." And then he said, "O, never mind, I can get off this board." They said, "Never mind; we'll take your word for it. Tell Willis Ray that we are friends to him, but from this night he must hold his tongue and not talk about us, or we will hang him as high as Haman."

Question. Who did you understand them to mean by "us?"

Answer. I thought Davy Hancock was there to the best of my knowledge; that was the only one I knew. He hollered three times. But I do not know who the one was who did the talking.

Question. Who did you understand he meant by "us," when he said that Willis should "not talk about us?"

Answer. I allowed it was the disguised men.
Question. Had they been riding about through the country before that time?
Answer. Yes, sir; some good while before that.
Question. How long before?
Answer. I do not know how long I heard of them, but I never saw them until then.
Question. Had they been doing a great deal of mischief?
Answer. I had heard of some, but to say that I know it, I do not know it.
Question. Had your husband been opposed to them?
Answer. Yes, sir, he is opposed to them, and had said some little against them one way or another. He had done nobody any harm, but he was against them.

ATLANTA, GEORGIA, *October* 23, 1871.

Rev. J. H. CALDWELL sworn and examined.

The CHAIRMAN. As this witness has been called at your instance, Mr. Bayard, you will please begin his examination.

By Mr. BAYARD:

Question. Where do you reside?
Answer. My residence is in La Grange, Troup County, Georgia.
Question. Are you a native of Georgia?
Answer. I am a native of South Carolina, but I was brought up in Georgia.
Question. What offices have you held at different periods of your life in the State of Georgia, and what office do you now hold?
Answer. I was elected a member of the constitutional convention that assembled in this State and framed our present constitution.
Question. In what year?
Answer. I was elected in the autumn of 1867. Then, in the spring of 1868, at our general election, I was elected a member of the house of representatives of the State legislature. My present official position is that of judge of the district court in the thirty-seventh senatorial district.
Question. In these various offices which you have mentioned, with what political party have you been acting?
Answer. The republican party.
Question. Are you at this time a member of that party, and acting with it?
Answer. Yes, sir.
Question. Have you been employed by the Attorney General of the United States, Mr. Akerman, in the investigation of the alleged Ku-Klux outrages in this section of country?
Answer. Yes, sir.
Question. State when you were employed, and what you have done under instructions.
Answer. I was employed in the month of July last; my commission or instructions—I suppose it may be called commission—was dated after the 20th of July, and I left home on the 28th of July, with the view of having a consultation here with the district attorney, and attending to the matters whereon I was instructed in the commission. I have continued in that duty until this time; the instructions were intended to be carried out until the 1st of November, and the time is nearly out.
Question. That was under special instructions from the Attorney General?
Answer. Yes, sir.
Question. State what was the character of your duties.
Answer. To assist in arranging the proofs; and to visit such localities where I might have reason to believe some offenses had been committed, and to examine witnesses.
Question. In that way have you investigated the testimony of witnesses summoned before the United States grand jury at the late term?
Answer. Some of them, not all. Those that I personally examined I gave a list of to the district attorney.
Question. Have you examined all those you believed to be material in the case?
Answer. All that I had an opportunity of examining.
Question. You came here for that express purpose?
Answer. Yes, sir. I have generally remained here in this place; but I have sometimes gone out into the State.
Question. Have you also investigated circumstances by visiting the scenes of these alleged disorders?
Answer. In one instance.
Question. What case was that?
Answer. That was the case of a man of the name of Holliday, in Jackson County.

Question. Was it the case of the man who has been summoned before this committee, and who was also examined before the grand jury?

Answer. I suppose it is the same; he was examined before the grand jury.

Question. In relation to an attack upon himself and his property?

Answer. Yes, sir.

Question. Did you examine Henry Lowther, a negro upon whose person an outrage had been perpetrated?

Answer. Yes, sir; I examined him in this place.

Question. Was the alleged cause of that outrage upon him his connection with a white woman?

Answer. I drew that out from him finally; that was not the cause he alleged at first and he denied all the way through that that was the cause of the treatment he received but he admitted that he had had such connection.

Question. He finally confessed to you that he had had connection with that white woman?

Answer. Yes, sir; he did.

Question. Did he state to you that that was the cause of the umbrage of those people against him?

Answer. He did so state. He said that he thought the cause was his political opinions. I rather questioned that, and told him I thought that that statement would hardly be received, for it was a very unusual thing to proceed to that kind of punishment for political opinions. After assuring him that he would not be compelled to criminate himself before the court, he confessed that he had had connection with that white woman.

Question. There has been a great deal said in regard to bands of disguised men commonly known as Ku-Klux. Will you state to this committee what is the result of your investigation in regard to that matter?

Answer. The result of my investigation is, that I am convinced there are in different localities in the State of Georgia bands of lawless men who have committed outrages. That is, I judge so from the testimony, not from my personal knowledge.

Question. Do you believe there is any organization among those bands; that is, any concert of action at all, or are they merely local in their character?

Answer. I think they are local.

Question. From the result of your examinations you do not believe that there is any organization among these bands?

Answer. I think they are organized merely in the different localities; I do not think there is any general organization; at least I have not discovered any such thing in my investigations.

Question. Do you know the purpose or object of those bands?

Answer. So far as I can judge from the testimony elicited in the different interviews I have had with witnesses in the different cases, the objects seemed to be various in different localities.

Question. Have you been able to discover any political significance in those organizations?

Answer. Not a trace of it, except in one instance, taking the testimony of the party himself.

Question. They have been devoid of political significance?

Answer. In every instance which I have examined, so far as I have had any investigation of witnesses.

Question. In your jurisdiction you have administration of the criminal laws?

Answer. Yes, sir.

Question. Do you consider that there is a reasonable protection for person and property under the laws of Georgia for people of all classes and colors?

Answer. Within my jurisdiction there certainly is; I can state that with confidence from my personal knowledge.

Question. What counties are embraced within your jurisdiction?

Answer. The three counties of Troup, Heard, and Carroll, which counties compose the thirty-seventh judicial district.

By Mr. SCOFIELD:

Question. In what part of the State are those counties?

Answer. In the western part of the State, along the Alabama line.

By Mr. BAYARD:

Question. I observe, by reference to the map, that in going from Atlanta to your district you pass through a number of counties. You have stated as a matter of fact that there is security of person and property in the counties of your district under the laws of the State of Georgia. I will ask you if, to the best of your knowledge, that is also the condition of affairs in other parts of the State?

Answer. Where I am personally acquainted it is; that is, principally in the third congressional district.

Question. Who is the present member of Congress from that district?

Answer. Judge Bigby.

Question. How many counties are there in that district?

Answer. There are now sixteen counties, including a new county made by the last legislature. Carroll County is the one furthest north, and the district extends down to Muscogee County, and then into the interior of the State some distance.

Question. Being a citizen of that district, will you state whether your remark as to the security of person and property under the laws of Georgia applies to that entire district?

Answer. It does, so far as my observation has extended.

Question. How long have you lived there?

Answer. I have lived there for the last six or seven years.

Question. How many years have you lived in the State of Georgia?

Answer. Ever since I was three years old.

By Mr. VOORHEES:

Question. You said you were born in the State of South Carolina?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Will you please state what is your age at the present time?

Answer. I am fifty-one years of age. Since I have been in this city the last time, I have heard for the first time of any lawlessness in that district; I have heard since I left home of some lawless acts in Heard County; I do not know as to the correctness of those accounts; I got my information from the district attorney, who said that there were persons here now who complained of some lawless acts in that county.

Question. The point of my question was, whether you believe, being yourself a magistrate in that district, that there is ample protection there for person and property under the laws of Georgia?

Answer. There is; I can state that with entire confidence.

Question. You have been acting with the republican party in this State since its organization?

Answer. Yes, sir; I assisted in the organization of that party in this State.

Question. Have your political opinions been openly pronounced and well known by your fellow-citizens?

Answer. I have canvassed about ten counties of the third congressional district several times since the fall of 1867. The first time was when the convention was called, required under the reconstruction acts of Congress. Then in the following spring I canvassed a large portion of that district, in the interest of the new constitution and for its ratification. Then, in the autumn of that year, I canvassed it for the presidential election. Then, again, last autumn I canvassed it at the time of the general election.

Question. In your canvasses did you frequently and publicly address the citizens of Georgia?

Answer. Very often; large assemblies of the people, white and colored.

Question. Did you openly proclaim your party views?

Answer. Yes, sir; very emphatically and very earnestly.

Question. Did you assail the views of your political opponents?

Answer. Yes, sir.

Question. Did you do so with the freedom that characterized such discussions prior to the war?

Answer. Yes, sir; and with as much personal safety as I ever discussed political questions in the State. I discussed questions with democrats in different portions of the State, and those discussions were carried on with as much courtesy on the part of the disputants, and with no more signs of disorder or attempt at violence, than might have happened at any time—than you would have seen often before the war.

Question. Having been an active and prominent member of the republican party of this State, will you say whether you have ever been insulted or deterred from the frank expressions of your opinions in this State?

Answer. I have never been deterred by any demonstration. I saw at one time, a little beforehand, what appeared to me to be a demonstration, which I disregarded; and when I came to make my speech there was nothing of it. I have also been threatened by little missives sent to me privately through the post-office, which I also disregarded; I went forward and made my speeches without any molestation whatever. As to insults, there has been a great deal of abuse; that, of course, is allowed among political partisans.

By Mr. VOORHEES:

Question. Every politician gets that, I believe?

Answer. Yes, sir; and I receive my share of it.

By Mr. BAYARD:

Question. Do you receive more here than is the case North?

Answer. I think the state of feeling here has been a little sharper than with you in the North; perhaps the bitterness has been intensified by circumstances. I think there has been a great deal of very unkind bitter feeling. I do not say that it is confined to one party. I have myself been the victim of it; that is, I have suffered the odium of it.

Question. In other words, the condition of political feeling here has been somewhat excited?

Answer. Yes, sir; I think more so than at the North.

Question. Has the excitement ever reached a point where it would deter a full and frank expression of opinion?

Answer. I have not experienced anything of the kind, and I think I have expressed my sentiments as boldly, and have attacked the measures, doctrines, and policy of the democratic party as boldly as any other speaker in the State.

Question. What is the feeling of the people of your State toward citizens coming from the North and settling among you, if they come here and identify themselves with the interests of your State; are they not kindly received and fully protected?

Answer. I think they are, as far as I know. So far as any cases have come within my observation, that is true. Those who participate in political movements are not liked so much. Those of us who are natives suffer from this bitter feeling, this intense hostility to our party measures.

Question. Does that prevent a man from being perfectly secure in the expression of his opinions and in the enjoyment of life, person, and property?

Answer. So far as my observation has extended, it does not. I have heard in the other counties of cases, and have read in the papers of circumstances. But I suppose you want me to speak of my personal experience.

Question. That is all which would be justified, I suppose.

Answer. I have heard of instances of different character, but they have not come within my personal knowledge. I suppose your question had reference to my public addresses, to my making speeches, and to what occurred at those times. There is one little circumstance that I forgot to mention. There never was any violence attempted to me personally but once. That was not on the occasion of a public speech, but was at the polls, at a time when there was a great deal of excitement. It mattered very little, though. There was an editor of a paper who had been very violent against me. I think he was drinking at the time. He came up behind me where I was standing. I went up to put in my vote for the Grant electoral ticket, and while standing at the polls—the doors of the court-house were closed, and the voters came up and handed their tickets in to some one who stood at the door—and just as I had put mine in, I felt some one lay hands on me from behind; and the next moment I was whirled from the court-house down the steps. I did not fall, but I looked around and discovered the editor of this paper. From the character of the crowd assembled there, I thought there were persons present giving him encouragement; I thought they had weapons, but I saw none. I came to the conclusion that if I made any resistance it might endanger my life; that it would be better for me to retire quietly, which I did, after looking the man sternly in the face. I looked upon it as a cowardly act, as did the community. He never has apologized for it; I never have spoken to him, nor has he to me.

Question. You say he was intoxicated at the time?

Answer. That was the excuse offered by his party friends, who felt that he had done wrong.

Question. His party friends denounced the act?

Answer. I so understood. Some of them expressed to me the opinion that he had done wrong, and was drunk at the time.

Question. That is the only instance of personal rudeness to you?

Answer. The only attempt I have ever met with during the four times I have canvassed that district.

Question. Have your elections here been reasonably orderly?

Answer. Not very orderly at the presidential election; some disorder, but no great deal of violence. Perhaps there were some few colored people struck over the head and bruised, and others deterred and frightened. I witnessed none of those things, but some of them came to me, and I saw one or two who had been cut and bruised. Such things are apt to occur at any time in periods of political excitement. I have often seen similar things before the war.

Question. They are what are called political rows on election day?

Answer. Yes, sir. I think they are intensified by opposition to negroes voting.

Question. They did vote freely?

Answer. Yes, sir, where they were qualified to vote.

Were they in the majority in your district?
In my county and in the congressional district there is a large majority of
ers. Some of the counties have white majorities, but most of them have
jorities.
The colored majority prevailed?
Yes, sir; I think my majority over my opponent was something over four

Mr. SCOFIELD:

The member of Congress from your district is a republican?
He ran as a republican, but professed to be a democrat at the time the con-
as ratified. But he ran for Congress as a republican, and was elected as

he CHAIRMAN:

Elected by republicans against a democratic opponent?
Yes, sir.

Mr. BAYARD:

Do you know any case of the arrest, trial, and conviction, in courts of jus-
: State, of persons who have been guilty of these outrages commonly called
utrages—outrages by disguised men upon others?
I do not know of any of my own knowledge; I have heard that some were
id tried in Bartow County. Cass County was the original name of that
have heard that some were sentenced in that county to the State's prison,
t know the fact.
You have no personal knowledge of these facts?
No, sir.
Do you know the name of the judge before whom they were alleged to
tried and convicted?
I think it was before Judge Parrott.
Is he a republican?
Yes, sir.
One of Governor Bullock's appointees?
Yes, sir.
Do you know whether Bartow County, in which that trial took place, is or
ly democratic?
I think it is a largely democratic county; they elect democratic members of
ure.
Is it in that county where this conviction and sentence have taken place?
I have been so informed. I have heard of no other instance anywhere in
f the conviction of persons who are known as Ku-Klux, who are called Ku-

he CHAIRMAN:

I understand you to say that in the discharge of your duty of preparing
e use of the district attorney, you have remained in this city pretty much
?
I have been here a great deal of the time. I have traveled out of it.
I believe you spoke of being in Jackson County?
Yes, sir.
Were you at the house of Mr. Holliday?
Yes, sir.
Did you confer with him or his family?
Yes, sir.
Did they show you the locality of the transaction there?
Mrs. Holliday did; Mr. Holliday was not at home.
Did you see the marks of bullets on the house?
Yes, sir; I saw signs of pistol-bullets on the walls of the building.
How many did you see?
I counted ten. Mrs. Holliday told me there were others which I did not
up stairs, but I did not go up to see them.
Did you see any marks on the doors?
She told me there were some, but I did not see them. The most she pointed
vere in the walls of the building. It was getting late in the day, was some-
and I could not see them very well.
How long were you there?
I was at the house but a few minutes, long enough to get her statement. It
g late, and I was a stranger in the place, and did not know where to go. I
: investigation at the house.

Question. How long did you remain in the county?

Answer. I was there on Monday, and remained at the house of Mr. Hunter that night. During the next day I examined some witnesses—Mr. J. R. Holliday, the person who was attacked; his brother, Mr. Frank Holliday, and some four colored persons.

Question. Did you see some resolutions that were adopted there afterward?

Answer. No, sir; I did not see them. You mean some that were published in the papers?

Question. I understand that they were published in the newspapers and were adopted at a public meeting.

Answer. I never saw them. I do not know that I ever heard of them before.

Question. Do you know whether any propositions were made on behalf of the parties accused that if Mr. Holliday would abandon the prosecution they would suspend any further operations?

Answer. I think there was something said to me about that matter by Mr. Holliday; I do not think I took it down in the testimony as material.

Question. Did you ever converse with Mr. Hill on the subject?

Answer. No, sir.

Question. Was he here during the session of the court?

Answer. Do you mean Mr. B. H. Hill?

Question. Yes, sir.

Answer. I understood so.

Question. Was he understood to be employed by the defense?

Answer. I heard that he was.

Question. While you were down in that county, what did you hear in regard to the operations of the Ku-Klux?

Answer. I heard that there was an organization in that neighborhood composed from thirty to fifty persons; the highest number mentioned to me did not exceed fifty and the lowest was not less than thirty.

Question. Do you mean that that was the largest number ever seen abroad at one time?

Answer. That was the opinion of the two Hollidays and their friends, that they did not exceed from thirty to fifty; that they were confined in their operations to what known as Chandler's military district, and perhaps to a portion only of that district say to an area of four or five miles square.

Question. As far as you have observed their operations, have their victims belonged to one political party more than to another?

Answer. Most of those I have examined belonged to the republican party. Mr. Holliday told me that he did not participate in politics at all; but his brother-in-law, Mr. Hunter, told me that Holliday was a democrat.

Question. You have spoken of this case of the mutilation of Henry Lowther. You say that he admitted to you that he had sexual intercourse with a white woman?

Answer. Yes, sir.

Question. Did he state when that occurred?

Answer. Yes, sir; he told the time when it took place; I have not the dates with me, but I think I can remember them. He stated that on Monday evening, the 21st of August, a party of disguised persons came to his house the first time; that is, they came up, but he escaped through the back door, and hid himself in the weeds some little distance from the house. They entered his dwelling, it being dark within, and one of them stumbled against a sack of salt; taking it to be him, he cried out, "Here he is; kill him, kill him!" They then lighted matches, and discovered their mistake. They told his wife that they would give him five days to leave the county—that was on the occasion of their first visit to him. A colored man in the neighborhood, whose name I do not now remember, (it is in my notes,) told him not to leave; that he would gather up a crowd of men and guard him and stand by him until he died; that was his language. Some six or seven persons armed themselves, and went into the woods and lay that night, and also the next night. On the third night the man who proposed to guard him with these armed men abandoned him, and informed other parties against him, and said that he was there with an armed force to fight the Ku-Klux. Upon that, orders were issued for his arrest, and he and his son were arrested and put in jail.

By Mr. BAYARD:

Question. What was the offense alleged against him for which he was arrested?

Answer. He did not state that definitely; I think it was for arming persons. I cannot recollect distinctly; I have the notes of the whole case, stated to the district attorney.

Question. Was it an offense cognizable by the laws of your State?

Answer. Let me think for a moment, and see if I can state what it was. [After a pause.] I think it was that he had armed these men, and made threats against another negro. I think the other negro had him arrested. That is my impression. I would rather be accurate about it; and to be so, I must refer to my notes.

By Mr. LANSING:

Question. You have undoubtedly got it right now?
Answer. Yes, sir, I think it is so. It was on the fourth of September that he was ken from the jail and treated in the manner described here. On the Sunday follow- g their first visit to his house, a white woman (he gave me the name) followed him into e woods, when he had this illicit commerce with her.

By the CHAIRMAN:

Question. That was after they visited his house the first time?
Answer. Yes, sir.
Question. Did he say who the white woman was?
Answer. Yes, sir; he gave her name.
Question. I don't care about her name. What was her character?
Answer. I did not inquire anything about her character. Of course I inferred, from iat he said, that she was a very bad character.
Question. Was she a common woman, that other persons, white and black, visited?
Answer. I did not put those questions to him. But, of course, the inference I drew is that she was a very bad, abandoned character, from the circumstance that she luntarily followed him into the woods, and, as I suppose from his language, solicited n to have intercourse with her.
Question. She was one of those low-down tramps which are scattered about the intry?
Answer. I have no doubt of it.
Question. That was after the first visit of these disguised men to him?
Answer. Yes, sir. Of course I do not look upon that as justifying their lawlessness.
Question. Do you believe that was the reason for their conduct?
Answer. I think, from all the circumstances, that that was the reason; for I do not lieve that, anywhere in the land, any body of men, unless they are a band of very v and vile creatures, would inflict such punishment for a political offense.
Question. Why did they go to his house the first time?
Answer. That I cannot answer.
Question. Why did they serve notice on him to leave?
Answer. I cannot tell.
Question. Then your opinion is formed from the fact that you cannot suppose any- dy would inflict such a punishment for a political offense?
Answer. I never heard of such a thing.
Mr. VORHEES. You might ask why they did not inflict that punishment the first ne they went there.
The CHAIRMAN. They did not catch him; but they notified him to leave in five ys.
The WITNESS. I would like to state that my instructions from Mr. Akerman were inquire into and obtain all the facts, or the most probable facts, in each case. My siness has been to obtain facts; and with me it makes no difference what the case ay be. If there is a lawlessness, I wish to see that lawlessness suppressed.

By the CHAIRMAN:

Question. Have you heard of any white man being castrated for visiting low-down aracters?
Answer. No, sir; I never heard of such a thing, I think. I cannot now remember at I have ever heard of such an instance.
Question. You have heard of no white person being castrated for visiting that oman?
Answer. No, sir.
Question. Will you name again the counties which compose your judicial district?
Answer. Troup, Heard, and Carroll Counties.
Question. Are there any Ku-Klux organizations in that district?
Answer. I never have heard of any—that is, since the first organization and incipi- cy of this movement in the State. I was in Columbus in the spring of 1868, about e time that they killed Ashburn. There was an organization there that did that ork in Columbus. I was with Ashburn at the meeting held there on Saturday, and livered the address to some thousands of people. On Monday night Ashburn was lled. I remained on the spot and gathered up all the facts I could in regard to it, d they were published in the New York Tribune the succeeding week. I also gave account of some of their emblems and some of their insignia that they had sent in. ne of them represented Mr. Ashburn lying in his coffin; his name was on it, and it so had the emblems of death, with a warning that he should die.
Question. Where was that paper found?
Answer. It was shown to me by the assessor of internal revenue, Mr. Webster.
Question. Where did he get it?
Answer. I think it was suspended at the door of his office.

Question. Was that before Ashburn was killed?

Answer. He showed it to me the Saturday before he was killed.

Question. As you have referred to that case, will you state as succinctly as you can all the circumstances that occurred?

By Mr. BAYARD:

Question. What was the date of that occurrence?

Answer. It was at the close of March, 1868—either on the 30th or 31st of the month. I think it was on the first or second day of April that I wrote this account for the paper. At this distance of time, and after so many events have happened, I should dislike to trust my memory in a recital of the circumstances. But the abiding impression upon my mind is this: that Ashburn was visited by some thirty or forty persons at the house where he was staying, in Columbus; some of them I understood were disguised, and some not disguised. He was killed in his room that night, between midnight and day.

By the CHAIRMAN:

Question. Who was Ashburn, and what had he been during the war?

Answer. He was a Union man during the war, and I think that at one time he retired within the Federal lines. He returned after the war a very ardent Union man, a reconstructionist and a republican. He was a man that I never considered had a well-balanced mind; I thought he was flighty and enthusiastic. He was certainly a very earnest advocate of republican doctrines, and worked very hard for the restoration of the State to the Union. I think Mr. Ashburn was devoted to the Union and to the principles of the republican party. We served together in the constitutional convention.

Question. Have you any doubt of that being what cost him his life?

Answer. I have none whatever; I have never heard any doubt expressed by any one that he was killed for his political course.

Question. And by an organization known as the Ku-Klux?

Answer. I would like to say a little more in regard to that. Just at that time it had come to light. I was in Atlanta here, and the first notice I ever saw of the existence of an organization of that character was in an Atlanta paper. It seemed to be enveloped in great mystery, and the paper spoke of it in very mysterious language. I did not know what it was, whether a political organization or not. I saw these accounts in the newspapers. Shortly after the close of our convention I went on to hold this public meeting in Columbus, where a great number of people were assembled, mostly colored people. I was called upon to deliver a speech on that occasion. These insignia of the order were shown to me by Mr. Webster before I made my speech. I remember a little incident, rather amusing, in connection with it. He mentioned to me something which I used in my speech. He said that there were some bones suspended either at the door of his office or on the palings before his residence, which were claimed by this mysterious order to be the bones of confederate dead who had arisen from their graves to avenge the wrongs of their country. I ascertained that they were old turtle-bones; and I remarked jocosely to the people that they ought to change the initials of their order from K. K. K. to O. T. B., meaning old turtle-bones. I treated the matter as a huge jest intended to operate upon the superstitions of the negroes, and to deter them from voting. But from the time of Ashburn's death I felt that it was a reality. I think, from some notice circulated around through the town of Lagrange the following week, that there was an incipient movement of that sort in that place. I examined one of the letters I saw, and found a letter C upon a coffin, which I did not know but might mean me. I sent out word for a meeting, and made a speech to white and colored people, and said I was not afraid of being Ku-Kluxed. I told them very plainly what I thought would be the consequences of such a proceeding. If there has ever been an organization from that day to the present moment in Troup County I do not know it; I have never found it out. I think if they had any intention of the kind that they abandoned it.

Question. You say you were here in Atlanta when the existence of the order was first brought to your notice?

Answer. Yes, sir.

Question. Did you see any prominent person here at that time, from a neighboring State, who had been publicly rumored to be a prominent officer in the order?

Answer. Yes, sir; I remember seeing several here. You use the expression "a neighboring State." I saw one in particular about that time here.

Question. To whom do you refer?

Answer. To General Forrest. I was introduced to him near the close of the constitutional convention; I do not remember the particular time.

By Mr. BAYARD:

Question. About what time?

Answer. The convention closed its labors on the 11th of March, 1868.

By the CHAIRMAN:

Question. How long was it before Ashburn was killed did you see General Forrest ere?

Answer. The convention closed its labors on the 11th of March, 1868, and Ashburn as killed, as I have already stated, in the last days of March, on the 30th or 31st.

Question. Had you heard anything of the Ku-Klux organization before the time that eneral Forrest was here?

Answer. I never heard of it until after he was here. The pieces I read in the papers ere copied from Nashville papers. I wish to be distinctly understood that while I ate this I do not mean to insinuate at all that General Forrest had anything to do ith it, for I do not know that.

By Mr. BAYARD:

Question. I am glad you have the candor to state that.

Answer. I state it because I have no facts upon which to base such a thing.

By the CHAIRMAN:

Question. Did you understand what his business here at that time was?

Answer. I think I heard that he was here in connection with some insurance busi-ss.

Question. Have you seen him here since that time?

Answer. No, sir.

Question. You say these paragraphs appeared in the papers about the time he was re?

Answer. Yes, sir.

Question. And that they were copied from Tennessee papers?

Answer. The first that I saw were copied from a Tennessee paper.

Question. Do you know whether it is understood that the Ku-Klux organization iginated in Tennessee?

Answer. I have heard the opinion expressed by individuals that such was the case; cannot remember who, but quite a number. You understand I am not now stating icts; I am only answering your question. I only state rumors and hearsay, and not icts within my knowledge; only what has been told me from time to time.

Question. Do you know whether at the beginning of the operations of this order—of heir public manifestations—they claimed to be the returned confederate dead?

Answer. I can only judge from pieces that I saw in the papers, and the mystery that vas thrown over the whole thing by the editorial allusions to it. The attempt at nystery was of course intended to mystify, and to give it the appearance of something upernatural. It was intended evidently to operate upon the superstitious fears of the egroes. They are a very superstitious race, as you know, and I suppose it was in-nded to operate upon them; to get up ghost stories and frighten them; something ke that.

Question. I understood you to say that you prepared an account of the circumstances ttending the death of Ashburn, which was published in the New York Tribune?

Answer. Yes, sir.

Question. Was that account true?

Answer. That account was the information I received on the spot; it embraced the icts that were communicated to me in relation to the matter. Of course everything ien was in a state of confusion and excitement. Subsequently, comparing the state-ents contained in the article with the evidence deduced before the military commis-on that attempted to try certain persons, (although I mentioned no names in my mmunication,) the facts in the communication were generally in accord with the ridence brought out before the military commission.

Question. Have you a copy of that article?

Answer. I have it at home, I think; not here.

Question. Will you furnish us with a copy of it when you go home?

Answer. I will do so if I can find it. [See page 451.]

Question. That contained the result of the best examination you were able to make t the time.

Answer. That was a very unsatisfactory examination, because of the tumult and con-sion that existed then. There was a kind of panic in the city at the time; it was a ery startling event. I went about the examination very carefully, and inquired ostly among the leading men; among republicans, not those of the opposite party. got their views and expressions and put them upon paper and sent them to the New ork Tribune. At that time I regarded it as one of the purposes of this mysterious ganization, of which I had read so much in the papers. A few days before the Col-mbus papers had several articles in reference to this organization.

Question. Commending it or condemning it?

Answer. I do not remember whether they were of a commendatory character or not; ney spoke of it in a mysterious manner. In accordance with the idea I have already

expressed, I considered that the design was to intimidate or frighten away from the polls the negroes, by appealing to their superstitious fears.

Question. You have referred to Mr. Ashburn as being an enthusiastic and earnest man. Do you regard him as having been an honest man?

Answer. Well, I think he was a man who was decided in his convictions.

Question. Was he a man who acted on his convictions because he honestly entertained them?

Answer. Mr. Ashburn was not a man whose character was highly appreciated in Georgia by either party. He was regarded as a man of very stern and unflinching Union proclivities; he stood up for the Government and defended it and advocated the measures and policy of the Government.

Question. Had you known him before the war?

Answer. Yes, sir; I knew Mr Ashburn many years ago, and I never heard anything against him before the war. I used to stop with him when he kept a hotel or boarding-house in Macon; that is, I stopped with him once there. He was a very clever kind man, and I never heard anything against his character personally.

Question. Was he a man who before the war stood well?

Answer. Yes, sir. The worst thing that threw anything like a shade over his character, in my view, was the character of the place where he was staying at the time he was killed.

Question. That was the worst shade upon his character?

Answer. Yes, sir.

Question. The worst thing you ever heard or knew of him?

Answer. Yes, sir.

Question. What was the place?

Answer. It was a house where some women of ill-repute were occupying rooms.

Question. That was in the town of Columbus?

Answer. Yes, sir.

Question. Had he, previous to going to that house, been at the hotel and been refused admission there?

Answer. He told me that he had been at the hotel and had been refused admission.

By Mr. BAYARD:

Question. Were they colored women of bad repute?

Answer. I think one was a white woman; I do not know certainly about that.

Question. How about the rest?

Answer. I do not know that it was what would be called a house of ill-fame, where common prostitutes assembled.

By the CHAIRMAN:

Question. But in the same house where he was staying there were staying some persons whose character was not good.

Answer. Whose character for chastity was not accredited in the community; that was my information; of course I do not know.

Question. When you speak of his having been within the Federal lines during the war, will you say whether he was not there a great portion of the war, and in the service of the Federal Government?

Answer. I do not know personally, and I do not remember that I ever heard him say. But I have heard him speak of having been within the Federal lines during the war.

Question. Do you know, or have you heard, whether, on last Saturday night, the home and property of the Mr. Holliday of whom we have been speaking was burned and destroyed.

Answer. I had not heard of it. I have met Mr. Holliday two or three times here, and Saturday afternoon last was the last I saw of him.

Question. Have you heard that his brother arrived in town this morning with that intelligence?

Answer. No, sir, I have not heard of it; but from the state of feeling existing against him in that community I should not be surprised to hear at any time of any violence against him. There seems to be a very hostile feeling against him in the community on the part of some persons, who undoubtedly intended to kill him. That was my judgment from the circumstances which I ascertained upon the investigation.

Question. You have spoken of an election in your congressional district. How was the first election there for the convention, in 1867, I believe; was that an orderly election?

Answer. Oh, yes, sir; no whites at all participated in it, except those in favor of reconstruction.

Question. Were there any prevented from doing so who had a right to do so?

Answer. None that I know of.

Question. Everybody was at liberty to vote who was entitled to vote?

Answer. Yes, sir.

Question. How was it in regard to the presidential election in 1868?

Answer. I think there was more excitement at the presidential election than there was in the election in the spring of 1868; more intimidation, as I judge from the facts. If you will allow me, I will state that I drew up a comparative statement of the two elections, the one in the spring and the one in the fall of 1868; I made a tabular statement, comparing the two elections, of which I have some printed copies at home. They are the only reliable data I have. From that statement I inferred that in the presidential election there was a great deal more intimidation, and that many more colored voters were deterred from voting than was the case in the election in the spring of that year.

Question. When you speak of intimidation, will you tell us the reasons and methods of intimidation?

Answer. I can only state what persons have at different times told me. Some have told me that they were threatened with discharge from employment or service if they voted in a certain way; others, that they were told some mysterious evil would befall them, I cannot tell what; that it would turn out for their benefit to vote in a certain way; that they had better be on their guard how they voted; that they would see what it would lead to; that it would not be for their good, ultimately, if they voted in a certain way. Such arguments as those were used; such as are used at all times by political parties, pointing out the consequences of their acts.

Question. Do you mean the consequences that would result from any particular line of political action merely, or do you mean personal consequences, or what would befall them individually?

Answer. I think the impression was made in some cases that it would result in their personal injury.

Question. Do you mean to say that in every election men are threatened with personal ill consequences if they vote in a certain way?

Answer. You certainly did not understand me to say that, did you? What I meant to say was that all times, in all elections, political parties will point out to others what they regard as the evil consequences which may result from voting this way or that way, as the case may be.

Question. Only public consequences?

Answer. Yes, sir. I would say that in some cases it has been represented to me that they have been deterred from voting by representations made to them that it would result in injury to them in some way or other.

Question. To their private, individual injury?

Answer. In some instances it might be; in others they are not told what it would be. I am only speaking from memory now, as to the statements made by different individuals who have come to me at different times.

Question. You would regard it as a legitimate argument, would you not, to represent that it would be a public evil to pursue a certain line of political action?

Answer. Yes, sir, certainly.

Question. Would you regard it as a legitimate argument to hold out the idea to a man that it would be to his personal injury if he went to the polls and exercised his rights as a free man?

Answer. I wish to be understood in reference to the elections in my town, and in reference to that particular election, that that was the only time when any kind of intimidation was used, and only a few instances then came to my knowledge; just a few individuals who received cuffs and blows, and threatening looks and words.

Question. Were any whipped?

Answer. Not that I know of. As I have already stated, some received blows on the head.

Question. There have been no disguised bands going about through your county?

Answer. No, sir; I have never heard of any.

Question. How was the election which took place there last fall?

Answer. As quiet an election in my county as I have ever seen in the State of Georgia.

Question. How was it throughout the congressional district?

Answer. It was the same, as far as I heard any reliable facts, throughout that congressional district. I have made many inquiries in different counties, and I was told that it was a quiet and orderly election.

Question. Have you heard that it was more so in some counties than in others?

Answer. I do not think I have heard of a single instance during the last election of any outrage within the third congressional district; I cannot now remember any.

Question. Who is your representative at this time?

Answer. Mr. Bigby.

Question. Who was your representative from that district in the last Congress?

Answer. Mr. Edwards was elected in the spring of 1868 to serve during the remainder of the Thirty-ninth Congress. Mr. Bethune represented that district during the latter part of the Fortieth Congress.

Question. You have been asked about the treatment of persons coming from the

North to this State. I hold in my hand what purports to be a copy of some resolutions adopted by a mass meeting of German citizens, and which are published in the Daily New Era of this city, on the 18th of this month. One of the resolutions is as follows:

"Whereas those present sincerely believe it to be the true opinion of the Germans in Georgia, that although many improvements are necessary, yet the general condition of the State is quiet and orderly, life and property of those who do not meddle much with politics is as safe as in any other State of the Union. The emigrant has nothing to fear, but on the contrary is welcome and finds assistance."

Is that your idea of the matter?

Answer. Yes, sir, that is about my idea.

Question. You have spoken of the press of this State. What has been the tone of the press in regard to the Ku-Klux order?

Answer. I do not think that, as a general thing, the press has dealt with this question as plainly and pointedly as it should; it has not pointed out the evils of this thing.

Question. Has there been any difference in the tone of the papers of either political party?

Answer. The republican papers have uniformly denounced the organization.

Question. How has it been with the democratic papers?

Answer. Well, so far as I have read the democratic papers, in the case of a great many of them, there seems to be, if not an ignoring of the question, a dealing with the question not with that frankness and fullness which I would like to see. That is, they have not come out openly and squarely and denounced these things.

Question. Take the tone of the democratic press from 1868 to the present time, would it be understood as sanctioning and conniving at their operations, or condemning and denouncing them? Would the men who are themselves concerned in these operations understand that the democratic papers were hostile to them, or would they understand that they were winking at their operations, and were willing to let them go on?

Answer. That is a very difficult question to answer; but still I will give you my opinion upon it. My opinion is that the democratic papers, as a general thing, throughout the State have not, as openly and pointedly as they should have done, expressed their opposition to this organization. Possibly from their omission to do so some lawless persons may have been encouraged to proceed in that course.

Question. Whenever these outrages have been brought to light have the democratic papers been understood as denouncing the outrages, or as seeking to bring opprobrium upon the memory of the victims? Which has been their course?

Answer. I have understood that to be the case frequently; I cannot say that it has been in all instances, but in some instances I have noticed that that has been the case.

Question. With what political party is the paper published in this city called the Daily Constitution identified?

Answer. With the democratic party.

Question. It purports to be the official organ of the city and county?

Answer. Yes, sir.

Question. Do you recognize in this copy of that paper (handing witness a paper) a copy of the issue of last Friday morning, the morning this committee arrived here? If so, will you please state to the committee if you find in it an article headed "North Carolina," referring to the late trials of the so-called Ku-Klux in the State?

Answer. This is a copy of that paper of that morning.

[The following is the article referred to:

"NORTH CAROLINA.—The wholesale Ku-Klux arrests in North Carolina and the quick illegal convictions are the specimen work of the radical presidential campaign in the South. North Carolina first. South Carolina next. Perhaps Georgia the next.

"Arrests without warrant, imprisonments without bail, trials without law, condemnations without evidence, and punishment without justice, are the terrible schedules put upon innocent men by the loyal.

"Juries selected for their political bias, and picked by the court officers to convict, are so sacred that even a legal challenge is refused by the judge who sits only to sentence, who assumes the role of the prosecutor, and who degrades the ermine for party.

"Yet this radical party that commits this sort of infamy has its friends South. Shame upon it and them.

"Even the New York Sun makes this remonstrance against such outrage.

"'With violent partisans as prosecuting officers, a packed jury, and a hostile court against them, it is no wonder that these men were convicted by dozens. They may all have received only their just deserts in the end; but no one can pretend that the manner of their conviction was anything but a mockery of justice and an outrage on judicial propriety.'"]

My opinion has been asked several times in regard to the present state of feeling throughout my district. I have thought of one or two facts in that connection.

Question. We will first get through with this subject, if you please.

Answer. As the testimony I am now giving will be printed, I desire that it shall do justice to me and my section.

Question. Is there a paper published in this city called the Atlanta Daily Sun?

Answer. Yes, sir.

Question. What is the political character of that paper?

Answer. It is a democratic paper.

Question. I wish you would look at this copy (handing the witness a copy of the Sun,) and say if you recognize it as a copy of the issue of Saturday morning last.

Answer. Yes, sir, it is.

The CHAIRMAN. I will ask to have incorporated here the following articles from that paper:

"WHAT THEY ARE AFTER.—The Ku-Klux committee are here, to be a terror to the legislature, soon to assemble; to frighten and prevent that body from impeaching Bullock; to save Foster Blodgett from punishment by the courts for embezzlement, and secure him a seat in the United States Senate, and help to secure Grant's election next time by bayonet influence, as before."

"THE KU-KLUX COMMITTEE.—A sub-committee of the joint congressional Ku-Klux committee reached this city early yesterday morning. It consists of Horace Maynard, of Tennessee, chairman; G. W. Scofield, of Pennsylvania; W. E. Lansing, of New York; D. W. Voorhees, of Indiana, and Thos. F. Bayard, of Delaware. The last two are democrats and the others radicals.

"This committee met yesterday, soon after arrival, and examined several witnesses, some of whom were negroes. District Attorney John D. Pope was also examined. The radical element of the committee have not, thus far, found much comfort, and we presume will not. Of course their object is to manufacture capital for the radicals to operate upon, which can't be found in this community."

The WITNESS. I do not wish to be responsible for the opinions in those articles; but I recognize this as a copy of the Daily Sun of last Saturday morning.

By the CHAIRMAN:

Question. You can now proceed with what you were going to state.

Answer. I believe Senator Bayard asked me whether impartial justice could now be administered in the State, or something like that. I want the people of my district to know my opinions upon this subject, as it is a matter about which there will be a great deal of feeling, and I would rather give facts than opinions. To sustain the view I have already expressed that throughout my district the law can be administered, and that impartially, between the two races, I will mention these two facts: My court has jurisdiction over all offenses and misdemeanors below the grade of felony. felony being a crime punishable by death or imprisonment in the State penitentiary. I first tried a negro for violating one of our laws, the charge being that he enticed away, or hired, from another person a man employed by him, which, under our law, is a misdemeanor. He was found guilty by a jury, and was fined. In an adjoining county, that is, in Heard County, at the last term of my court, one of the wealthiest citizens of that county, a white man, a man of influence, was arraigned and tried for the same kind of offense, and he was found guilty by a jury and punished. So you see there was no difference in those two cases.

Question. What was the punishment inflicted upon those two?

Answer. I fined the negro $20, or sentenced him to imprisonment for thirty days; he paid the fine. In the case of the white man, notice having been filed of a *certiorari*, the case will not be determined until I come round again; he has consented to let the *certiorari* go and submit to the fine.

Question. He has not been punished yet?

Answer. No, sir; but will be. There was another case in our county of a man of wealth, who last winter was cut very severely by a negro, dangerously cut; it was thought at one time that he was fatally injured. My attention was first called to the case by an article in a paper, in which it was stated that the man was killed. That negro was tried before the superior court of that county, and was acquitted on the ground that the first assault was made upon him, and that he acted in self-defense. I can state in general terms that in all cases that have come before me, and in all that I have seen tried within the last two years in my county, or in my whole section, I have seen no difference whatever in the administration of the laws. Democratic lawyers make such appeals as this to the jury: To let no consideration as to the former condition of the negro, his past condition of servitude, have any weight upon their minds in giving their verdicts. I do not know whether my section is exceptional in that respect, but these are facts that I know, and which have come within my knowledge. I wanted to give the facts I knew, and not to let my testimony rest merely upon an expression of opinion, founded upon what I had heard from others.

Question. Have there ever come up any issues between Union men and rebels before your court?

Answer. No, sir.

By Mr. BAYARD:

Question. Have you any rebels in the State of Georgia?

Answer. Do you mean that are now rebels?

Question. Yes, sir.

Answer. No, sir; unless it is these Ku-Klux that are resisting the laws of the country.

Question. You have none as a class of your citizens?

Answer. No, sir. I think it is time that word should be disused, because the people are not disposed to rebel against the Government, so far as I am able to see.

By the CHAIRMAN:

Question. You have some who were Union men during the war?

Answer. Yes, sir.

Question. And you have some who were rebels during the war?

Answer. Yes, sir.

Question. When I used the terms "Union men" and "rebels" I meant those who were Union men and rebels during the war.

Answer. I understand you. We had very few Union men in Georgia during the war.

Question. Were there any down in your part of Georgia?

Answer. During the war I lived two years in Savaunah; I was there when the war broke out; I knew but two Union men in that city.

Question. Who were they?

Answer. One was Dr. F. T. Willis; the other I cannot now mention the name of. Is it necessary that these names should be put down?

By Mr. LANSING:

Question. If it will be any odium to them they can be left out.

Answer. It will be no odium to them; they are friends of mine, and I do not know that they would like me to use their names.

By the CHAIRMAN:

Question. Do you recognize this paper? (handing the witness a paper.)

Answer. Yes, sir, I recognize it; I wrote that letter.

Question. The statements contained in the letter are true?

Answer. Yes, sir.

Question. You now reiterate those statements?

Answer. Yes, sir.

[The letter is as follows:

"GAINSVILLE, GEORGIA, *August* 4, 1871.

"SIR: Being a judge of one of the district courts of this State, and also the member of the national republican committee for this State, I have had opportunities of communication with a number of gentlemen in different parts of Georgia, who are able to give important information in regard to the lawlessness into which the committee of which you are the chairman are making inquiries; and, in my judgment, the following persons would be able to make correct statements before your committee, if summoned to do so. They are all republicans, and most of them have been sufferers by reason of the aforesaid lawlessness. They are all men of established character and influence in their sections. A number of democrats from their sections have already testified, and it is due to the republicans that their side of the question should be suitably represented: Rev. H. W. Caldwell, Gainsville, Georgia; Hon. Wesley Shropshire, Dirttown, Chattooga County, Georgia; Hon. F. A. Kirby, Summerville, Chattooga County, Georgia; Benjamin Branner, (at same place;) Colonel John A. Wimpey, Dahlonega, Georgia; Wm. H. Webb, Rome, Georgia.

"I am persuaded that the investigations which your committee are pursuing have already had a happy influence upon this section, and if continued until the real truth should be disclosed to the view of the public they will ultimately result in the complete suppression of the disorders which have disgraced so many portions of the South.

"Very respectfully,

"J. H. CALDWELL.

"Hon. JOHN SCOTT,
"*Chairman Joint Committee, &c.*

"P. S.—My post-office and house are La Grange, Georgia."]

Question. I desire to ask you, as you are now here, in regard to the names which you have given in this letter, whether you still think they are the names of credible, trustworthy persons.

Answer. Yes, sir; I can indorse all of them that I know. I was requested at the time to write that letter. There were circumstances at that time which led me to believe

hat those persons should appear before the committee, and then I proposed that they hould go to Washington.

Question. I find here the name of Rev. H. W. Caldwell, of Gainsville, Georgia.

Answer. He is a brother of mine, a minister of the Methodist Episcopal Church. He as very badly treated last year at one of his churches. I thought he had better go efore the committee, for he could state a great many facts to the committee. But, you now, these things rebound against the witnesses.

Question. What have you to say in regard to Hon. Wesley Shropshire, of Dirt Town, Hattooga County, Georgia?

Answer. He is a man of good character and standing; he was a member of the constitutional convention, and stands well in his county.

Question. Do you know whether he has been a sufferer in any way?

Answer. I do not know myself; I think they visited his house not to inflict any injury upon him; his name was given to me.

Question. What have you to say with regard to Hon. F. A. Kirby, of Summerville, Hattooga County?

Answer. He was a judge of that circuit at one time.

Question. I find the name here of Benjamin Branner, of the same place.

Answer. I do not know him personally.

Question. You give also the name of Colonel John A. Wimpey, of Dahlonega, Georgia.

Answer. I know him very well; he is a lawyer and a man of good standing; he ran or Congress once; there have been some things said about Mr. Wimpey which I do ot wish to repeat here, for they are past; I judge him to be a gentleman of reliability.

Question. He has been in politics, and was a candidate for Congress?

Answer. Yes, sir.

Question. You also give the name of William H. Webb, of Rome, Georgia.

Answer. I understand he is a man of very fair character; I do not know him personally.

Question. My object in introducing this letter was to invite your attention to the losing portion of it, that you might explain it a little more fully than you have done n the letter. You say, "I am persuaded that the investigations which your committee re pursuing have already had a happy influence upon this section." Will you now ive your reasons for that opinion, and any facts upon which it is based?

Answer. I am not able to state facts; you can draw inferences, and many times from ircumstances, without being able to give any positive facts to substantiate them. As have already stated, I know nothing personally of the doings of this organization; ut at that time I heard of less of these visits which they made to individuals than formerly; and I supposed it might be the result of the investigations of the committee; hat those investigations had begun to operate upon them, and to convince them of he impropriety of pursuing that course. Since then, however, there have been fresh ases that might modify that view.

Question. Let me ask you whether the protection and security of colored men, and hat class of individuals usually called radicals, does not depend a great deal more pon the protection afforded by the Federal Government than it does upon the sense of justice and fair dealing on the part of their opponents?

Answer. I will answer that question in this way: I have noticed a progressive change, a great deal of improvement, within the last four years, in popular sentiment and in he feelings of the people. I have experienced it myself; I see a decided change. The people are kindlier in their feelings, not only to me, but to republicans generally, and to the colored population. There is now a better feeling existing between the two races than I have noticed before since the war. I think it grows out of conviction, not of fear. The protection of the Federal Government has not come to most people in any form that would make itself felt as a present power and potent influence. I attribute these changes that are going on to conviction, and to a view of the necessity of adapting themselves to the changed condition and circumstances in this country. That is about my idea of the present condition of things and the cause for the change.

Question. You go on and say, "And if continued [that is, the investigation] until the real truth shall be disclosed to the view of the public, they will ultimately result in the complete suppression of the disorders which have disgraced so many portions of the South." What was your meaning in that paragraph, of "real truth?"

Answer. The real facts, because I knew your investigation would be printed by Congress, and that they would arrive at a tolerably satisfactory knowledge of the real cause of these disturbances and of the guilty parties.

Question. Did you suppose at that time, or had you supposed previously, that the real truth in regard to these acts of violence and lawlessness was not known to the American people?

Answer. Yes, sir; I do not think it has been exhibited publicly; I do not think the papers of either side have exhibited all the truth in regard to this matter; I think the effort on the part of some of the republican papers has been too much to endeavor to develop a political significance in connection with these things. I wish those things

to be forgotten. If there is lawlessness of any kind, no matter from what cause, let it be put down, suppressed, and punished. I am very well satisfied that these organizations do not exist there for political purposes; at least I trace other designs in connection with them. To ascertain the real truth was to ascertain that as much as anything else.

Question. Have you ever heard of any republicans who were members of the Ku-Klux order?

Answer. No, sir; not in this State; I never have heard of any.

Question. You spoke of men who had been convicted in Bartow County. Do you know whether they were understood to belong to the Ku-Klux organization, or were they parties outside of that organization?

Answer. I think I have seen it stated in the New Era, published here, that they were members of the Ku-Klux organization.

Question. Have you any knowledge of it yourself?

Answer. No, sir; I have no knowledge of it at all.

Question. To what disorders did you refer in the latter part of your letter?

Answer. I referred to those in North Carolina that were brought to light by the investigation of the committee. I have read the volume of evidence which was taken by the committee of the Senate in regard to that State. And knowing that these things are reported to exist in other places, I supposed that the same methods pursued there would develop a similar state of facts in regard to other localities where such things are alleged to exist.

Question. So far as your investigations have gone, in how many portions of this State have you heard of this lawlessness and violence to which you referred in your letter?

Answer. I perhaps had better refer to the counties by name where I have heard of the existence of such things.

Question. Name the counties in this congressional district where you have heard of such acts of lawlessness.

Answer. I have heard of them in Haralson, Floyd, Chattooga, Whitfield, and Murray Counties; I do not know that I have heard of them in any others.

Question. What is your information as to the character of the election last fall in those counties?

Answer. I have no information about it.

Question. You did not include Bartow County in the list of counties you have named.

Answer. There are persons alleged to have been sentenced in Bartow County, but I never heard of any organization in Bartow County, except in that connection.

Question. Have you heard of any lawlessness or violence in the congressional district adjoining Tennessee?

Answer. I have heard of some in Gwinnett, Jackson, White, and Habersham Counties; I believe those are all.

Question. Have you heard of any in the Augusta congressional district?

Answer. Yes, sir; perhaps there has been more in that section of the State than in other parts. I have heard of some in Columbia, Greene, Jackson, Morgan, Warren, and Washington Counties. I have heard some other counties named, but I cannot recollect any facts in connection with them. Those are all the counties in which I can say with any positiveness that I have heard that such organizations existed.

By Mr. LANSING:

Question. You say that these Ku-Klux organizations have no political significance or purpose. How then do you account for the fact that no republicans belong to them, and that all their victims are democrats?

Answer. Did you understand me to say that they have no political significance?

Question. That is what I understood. But you can answer the question as I have put it.

Answer. I did not mean to say in the broad sense that everywhere there was no political significance in these organizations. I meant to confine that remark merely to the cases I have examined. I think I stated, substantially, that in the cases I have examined, with the exception of one perhaps, I could trace no political significance.

Question. You stated that Holliday's brother-in-law told you that Holliday was a democrat?

Answer. Yes, sir.

Question. Was he a Union man during the war?

Answer. I do not think that was a question we had up at all. Young Holliday was, for he told me so himself. I do not remember whether the other one said anything about it or not; if he did, I have not put it down in my notes.

Question. Have you understood, from any source, that the Mr. Holliday in question was a staunch Union man during the war?

Answer. I do not remember whether or not that fact was stated to me in regard to Mr. J. R. Holliday; but I know Mr. Frank Holliday told me so.

Question. Is he his son?
Answer. No, sir; his brother. I think very likely, though, he may have stated so.
Question. If these organizations are not in any locality for political purposes, is it not ittle remarkable that no republicans belong to them, and that none of their victims democrats?
Answer. I never heard of any republican belonging to them.
Question. If they are not for political purposes, for what purposes are they?
Answer. I can best answer that question by giving a synopsis of the cases I have amined.
Question. I do not ask that; I ask for what other purposes than political are such anizations established?
Answer. I examined a white man the other day by the name of Trotter; he said——
Question. I do not ask you to give your conversations with these men; state the result your observations.
Answer. He said he was solicited to join one organization for the purpose of resisting collection of the revenue. He was asked to join it for the purpose of administering oath to the members.
Question. Right there, now, is it not singular that in those localities no republicans long to these organizations, which are formed for that purpose, and that none of eir victims are democrats?
Answer. Yes, sir; it has occurred to me as a significant fact that no republicans are ached to these organizations.
Question. You can now go on with your answer if you wish.
Answer. Mr. J. R. Holliday said that he knew of no political significance connected th the attack on him.
Question. Right there, did you not understand that they were either frightening or rsuading his negroes to leave his plantation, and he told them to stay there and he uld protect them?
Answer. Yes, sir; that was the statement he made to me.
Question. Are there any other cases you desire to give?
Answer. In Whitfield County James Nance, a white man, was visited by the Ku-ux and threatened; or, if not threatened, was told that he must cease to meddle th other people's business. I think that was the language used. He will probably before the committee.
Question. Was he a republican?
Answer. I was informed that he was a democrat; I think he is. He was visited, he thinks, because he was called upon to testify before a coroner's jury in regard to negro who was killed and thrown into the river.
Question. And these warnings were to deter him from appearing there to testify?
Answer. So he thought; to deter him from undertaking to testify in such cases. My derstanding from his neighbors was that he was a democrat.

By the CHAIRMAN:

Question. And that they called meddling with other people's business?
Answer. Yes, sir. Mitchell Reed, a colored man, of Jackson County, had a difficulty a corn-shucking, as our country people call it, and he and a white man had a tussle, hich began in good humor. The white man, however, fell out with him, got mad ith him, and cursed him. The colored man thinks the white man raised the crowd at visited him and whipped him. That grew out of a frolic.

By Mr. LANSING:

Question. What did you understand he was?
Answer. I did not understand anything about his politics.
Question. You did not learn anything about that?
Answer. He is one of the men that was supposed to have been in the crowd that sited Mr. Holliday.
Question. The Ku-Klux in that case interfered in a private quarrel?
Answer. Yes, sir. Morgan Reed, the father of Mitchell Reed, was visited and struck rice on the head with a pistol, and also struck with a stick, for no reason that he uld assign, only that they had called at his house and asked where his son Charles as.
Question. Did you understand what his politics was?
Answer. Well, he is a colored man; and I suppose he is a republican; I guess he is.
Question. And his son also?
Answer. I suppose so.
Question. How long is your list of cases?
Answer. There are several others. Here is the case of Michael Davis; that seems to the only case that to my mind is political. He is in the southern district, and was hipped because he wanted an office; that was his statement to me. He was a candi-te for the office of justice of the peace, and he says they whipped him because he n for justice of the peace.

Question. As a republican?

Answer. He did not say he ran as a republican, but I inferred that. I asked him as to his qualifications, whether he could read or write, and he said "No." I said to him, "Well, you are not qualified to run for office." Of course that did not justify them.

Question. He was to run against a democrat?

Answer. I suppose so, but he did not say so. He only said that he ran for justice of the peace.

Question. My object in putting the question to you as I did was this: I thought that, perhaps, you would say they were organized for the purpose of enforcing the laws and suppressing crimes, where they are not formed for political purposes. Do you mean to say that?

Answer. No, sir; I do not mean to justify or to say there is anything lawful in their movement at all. I say they are entirely lawless, and should be put down. In these cases in only one instance have I been able to trace any political significance. My opinion is a different thing.

Question. What is your opinion?

Answer. I believe that in some places they exist for political purposes.

Question. By "some places" do you mean in most of the places?

Answer. I think it is demonstrated in the testimony taken in regard to North Carolina——

Question. Do you mean in most places?

Answer. I have no facts upon which I can base an opinion, except the testimony taken by the committee and what I have read in the papers. I think that in some localities they exist for political purposes. But that is only my impression, based upon what I have read.

Question. From what you have read, and from like sources of information, is it your opinion that these organizations exist through several or most of the Southern States?

Answer. I think they do, yes, sir. But in Georgia they exist only in certain localities; so I believe from facts that have come to my knowledge.

By Mr. BAYARD:

Question. Have you any means of information in regard to other States except hearsay and reports?

Answer. No, sir; that is all.

By the CHAIRMAN:

Question. I will ask you whether the organization has not within itself an inquisitorial and a judicial function, by which it inquires into offenses against itself and against its ideas and notions of things; and that it passes judgment in its secret conclaves and sends out these roving bands to execute that judgment upon its victims?

Answer. I have never known any facts within Georgia that would lead me to that conclusion; but I judge from the testimony taken by the committee in regard to North Carolina that such is the case.

Question. Have you been able to get inside the organization in your investigation so far?

Answer. No, sir; I have found no person that belonged to it; I have never seen one, and I have never seen one of their disguises.

Question. You have seen no person who professed to belong to it?

Answer. No, sir. On my way to Mr. Holliday's house I saw a company of young men, but they were not disguised. From the description I gave of them and the place where I saw them, Mr. Holliday said that he supposed they belonged to that company. If they were not members of the organization I do not know that I ever saw one that I could say I knew was a member of the organization. And I cannot say I knew they were members of it.

By Mr. VOORHEES:

Question. I understood you to say that you thought there was a disposition on the part of the republican press of the South to attribute to political causes all, or nearly all, of the crimes that are committed, whatever may be their origin?

Answer. I think there is too much of that tendency.

Question. Is that not also true to a great extent of the republican press of the North, so far as your observation has extended?

Answer. I think so. I think those points have been strained, both North and South, beyond what the truth and the facts would justify.

Question. If the Ku-Klux is purely a political organization for hostile purposes and practices to the members of the republican party, is it not singular that you, as a prominent and active leader of that party, holding office and employment under both State and Federal administrations, have never been visited or molested by them?

Answer. That is so; for there is no man in the South who has exposed himself more to their malignity than I have. I feel that it is due to myself and to the people of my

state that I should make a statement of facts in that connection, if you will allow me to do so.

Question. Go on and make whatever statements you please.

Answer. I have given you my opinions of these things as founded upon hearsay, and what I have read in the papers, and from the investigation of the committee; I have said that in many places I believed these organizations existed for political purposes, but when I come to my personal experience and my own observation of things, then I am astonished, for if these organizations exist here exclusively for political purposes it is astonishing to me that they had not availed themselves of the many opportunities they have had to victimize me. I do not suppose the democracy have been more irritated by the addresses of any man in this country than of myself. I have in all my public appeals to the people in my district used every argument to induce the people to abandon the democracy and adopt the doctrines of republicanism.

Question. You are at this time a straight-out, earnest supporter of General Grant's administration?

Answer. Yes, sir, and I have been all the time.

Question. And you have been employed on this special business by the Attorney General of the United States?

Answer. Yes, sir.

Question. And you have found out but one case of political outrage by these Ku-Klux?

Answer. That is all I have ascertained from my investigation. I do not believe, and cannot believe, that the maltreatment of Henry Lowther was owing to his politics; I am constrained to attribute it to another cause.

Question. In that connection, let me ask you in connection with this mass of hearsay-evidence that we have been flooded with here, whether you have ever heard of the case of the young man in Clarke County, Illinois, who, within the last year, was assaulted in the woods in open day by three undisguised men, and robbed, stripped, and castrated, and that the parties were never arrested or punished?

Answer. I do not think I ever heard of that case.

Question. Have you ever heard of the circumstances of the rape and murder of two little girls in Indianapolis whose bodies were found mutilated and outraged in the canal, within the last two years, and for which no arrests, or convictions, or punishments ever took place?

Answer. I do not remember that case. I know that I have read in the papers accounts of a great many outrages that have taken place in the North similar to those that have occurred here.

Question. Have you heard of the circumstances of the rape and murder of a Miss Pardonner, at Attica, Indiana, within the last four months, and that the grand jury of the county in which it took place have since met and adjourned without discovering the criminal or criminals, and without finding any indictment for the double and horrible offense?

Answer. No, sir.

Question. Have you heard of the hanging of two men until they were dead on a bridge over Lost River, in Orange County, Indiana, at night, by a crowd, within the last ten months, and for which no arrests were ever made or punishment inflicted?

Answer. I do not remember such a case. I read of a great many of these things in the papers that pass out of my memory. No doubt I have read of instances of that kind, for I read the papers, perhaps, as extensively as any one in this country.

Question. Georgia has a population of about 1,200,000. Do you think she has a greater average of crimes at this time than other States of the Union of a similar population? You are a man of reading and general information, and hence I ask for your opinion.

Answer. No, sir.

By Mr. SCOFIELD:

Question. Have you ever been molested yourself?

Answer. No, sir; I have never been.

Question. Are you not afraid you will be in consequence of the testimony you have given here to-day?

Answer. No, sir; not in the least.

Question. I should suppose you would be.

Answer. I may be abused a little, but I do not apprehend that I shall be in any danger. I wish to state one thing in regard to that question of fear and intimidation. I want the committee to get at the real truth of this case, as I stated in my letter.

Question. You do not think they will molest you on account of the testimony you have given here?

Answer. No, sir; I do not fear anything of the kind.

By Mr. BAYARD:

Question. Was it well known through the country here that you were the Tribune correspondent denouncing the Ashburn affair?

Answer. Yes, sir. I think the paper came to Columbus, and I think the Columbus papers copied it.

Question. Was your name signed to it, or were your initials signed to it?

Answer. No, sir; I signed it as the presiding elder of the district. I received from Columbus one of those missives which they send out to republicans, addressed to me as presiding elder, warning me of danger.

Question. Was that Ashburn case not noised about all over the North and the country everywhere?

Answer. Yes, sir.

Question. Do you not know that it formed the staple of a vast number of congressional speeches on the republican side?

Answer. I think the topic was frequently alluded to.

Question. It was well known at the time?

Answer. Yes, sir.

Question. And that occurrence, in regard to which the chairman has examined you, took place three years and eight months ago?

Answer. Yes, sir, something like that. I will state that I went to Columbus after I received this warning, to which I attached no value; I carried it with me to the Chicago convention and showed it to parties there, and I left it there with the secretary of the convention. On my return during the canvass in the fall I was invited to speak again at Columbus, and I spoke there again to a large assemblage of people; I lodged there with the postmaster, and in the evening I went out and took tea in a friend's house at some distance from his residence; and I went alone and unattended. I had a little flock there over which I presided, the pastor of the church having become alarmed and having fled. During the next day, which was the Sabbath, I went around the suburbs visiting this little flock of mine.

Question. You met with no injury whatever?

Answer. I met with no injury at all; not an insult, or an unkind word.

Question. Was not Ashburn's case made the subject of vigilant military inquiry by General Meade?

Answer. Yes, sir; until he dropped it and released the prisoners.

Question. Did he not arrest men all over the country under that charge?

Answer. Yes, sir; he arrested several parties in Columbus, and probably one or two in another county. I do not know about all over the country.

Question. Did he not make arrests wherever any suspicion fell?

Answer. He made a good many arrests; I cannot answer so broadly as that.

Question. Did not he arrest whoever he saw fit to arrest in this matter?

Answer. Yes, sir.

Question. Was a military commission organized to try those men?

Answer. Yes, sir.

Question. For how long a period did they pursue their investigation?

Answer. I cannot remember how long; it began before we had a legislature elected and organized at the first election under the constitution; and as soon as the State was admitted under the reconstruction acts General Meade turned over the matter to the civil authorities, and then abandoned the investigation as being no longer within his jurisdiction.

Question. At the time that outrage was committed the State was under martial law?

Answer. It was under military rule.

Question. Did they ever discover the murderer of Ashburn?

Answer. That I cannot say.

Question. Did not General Meade make a report of his entire proceedings to the Department at Washington?

Answer. I never read his report.

Question. Did he make one?

Answer. I presume he did; I never read it; the investigation was not completed, and I should suppose he could come to no conclusion until he did complete it.

Question. A letter has been shown you which you wrote to Senator Scott; what was your object in writing that letter?

Answer. It was to get some republicans before the committee at Washington; it was supposed there was an undue proportion of democrats who had been before that committee; it was reported to me that there were persons in that section of the community on the other side who should be permitted to make their statements also before the committee.

Question. Was it intended that there should be political statements in the testimony before the committee?

Answer. It was intended that the true state of facts as they existed should be brought out, whether they had connection with political matters or not; that was my object in writing that letter.

Question. Was your object in writing the letter to insist upon a fair and honest investigation?

Answer. Yes, sir.
Question. Is not that your motive now?
Answer. Yes, sir; and that is my instruction from the attorney general.
Question. And you are acting upon those instructions?
Answer. Yes, sir.
Question. And you consider that you are faithfully carrying those instructions into xecution?
Answer. I am sworn to do so.
Question. You have been asked in regard to these bands of disguised men. If I understood you correctly, you said that while they are local bands of lawless men, you did ot believe there was any organization of those bands throughout the State of Georia.
Answer. I do not believe the organization is general—that is to say, that it stretches rom county to county, or that there is a general head over it; I see no evidence of hat in Georgia.
Question. I will ask you whether you have any means of knowing the political sentiients of the parties who compose these bands; I understood you to say that you did ot know any one who belonged to it?
Answer. No, sir.
Question. Then is not your opinion of the political sentiments of those who compose ose bands merely a matter of inference?
Answer. Only from what I have read in the papers and what I have heard from perons in different parts of the State, not from my own knowledge.
Question. Have you derived any information to the effect that these bands are gotten p to protect illicit distillers of spirits?
Answer. I think it is very likely that in some places they are got up for that purose.
Question. Do you know whether the persons engaged in distilling spirits illicitly are nfined to one political party?
Answer. I think not; I think those of both parties participate in illicit distilling.
Question. Do you not suppose that in proportion to their numbers in the State, as any of the one party as of the other are engaged in illicit distilling?
Answer. I cannot state.
Question. Have you any reason to suppose that it is confined to one party?
Answer. I have not; I have heard that in the upper part of the State both parties re engaged in it. The statement I made a little while ago, that I believed in some arties they are organized to protect illicit distillers, is founded upon the statement of Ir. Trotter, who was solicited to enter an organization of that sort for that purpose.
Question. How many witnesses were before the United States grand jury here at this ast term in regard to illicit distilling?
Answer. I do not know; I have not had any cases of that kind before me.
Question. Do you not know, or are you not informed, that in the State of Georgia here is a class of men who are anxious to procure the military interference of the nited States with the internal affairs of this State?
Answer. I do not think I have heard any one recently express a wish for that thing. have heard it stated by several—and I think the remark has not been confined to one arty, but has been made by democrats and republicans—that the State would be put nder military rule. I have generally answered them by saying that I knew of no tate of facts existing in any portion of Georgia to justify putting the State under ilitary rule until the courts had had a fair chance to deal with these cases.
Question. Is there a class of men in your State, members of the minority here politially, who are continually threatening the employment of military force against their olitical opponents?
Answer. I do not remember now of any such threats made lately.
Question. You have no information to that effect?
Answer. No, sir.
Question. Have the press upon the republican side never made such intimations?
Answer. I do not think I have ever seen any such threats in those papers.
Question. Is it the habit of the republicans of this State to stigmatize the democrats s rebels, at the present time, in speaking of them?
Answer. I do not think it is the habit, but they do so occasionally.
Question. Is it not considered a matter of reproach when it is done?
Answer. Yes, sir; I think it is offensive to a democrat to use that expression; I do ot hear it often used. Well, I heard the democrats themselves, when referring to the ast, speak of themselves as rebels.
Question. I am speaking of the present time.
Answer. At the present time I do not think that word is used very much; I do not ear it often.
Question. But if used, it would be offensive?
Answer. It would be, if used by republicans in connection with politics; and I think stly so.

Question. Would you not consider it stigmatizing your opponents to speak of them in that way?

Answer. I would; and I do not use the term now.

Question. You have spoken of an attempt to intimidate voters, and of the hanging of bones over a man's door, with the statement that they were the bones of confederate dead.

Answer. That was in the beginning of this matter.

Question. That was the only use of bones in that way that you know of?

Answer. I do not remember of ever hearing of their using them at any other time.

Question. Were not those bones palpably the bones of a turtle?

Answer. Yes, sir; they told me so.

Question. You say Mr. Holliday, when he came here, made his complaint before the grand jury?

Answer. I did not see him until after he had been before the grand jury.

Question. You had examined him beforehand?

Answer. I had been to his county before.

Question. Was he not in a condition of high mental excitement?

Answer. When I saw him the other day, or when I saw him at Jackson, do you mean?

Question. At any time, when he spoke on this subject?

Answer. I thought so; he was very intensely excited, as I thought he should be.

Question. Did he state to you the fact that he killed two men, whom he identified?

Answer. He spoke of having killed one man.

Question. Did he identify that man?

Answer. He spoke of it as rumor.

Question. Did he give the name of the person he killed?

Answer. Yes, sir; he gave the name of the man reported to him as having been killed.

Question. Was that man here in the court-house?

Answer. I do not know.

Question. Do you not know that he was here in Atlanta since that time?

Answer. I do not.

Question. Do you not know that Mr. Holliday was informed that he was mistaken in the matter?

Answer. No, sir.

Question. How many men were brought here under his complaint?

Answer. I do not know; I did not see the names.

Question. Do you recollect about the number?

Answer. I think he told me eight or ten.

Question. Were they brought to this city in handcuffs?

Answer. I do not know; I think the marshals generally handcuff their prisoners when they bring them here; they do when they bring men up for illicit distilling. A man here told me that he himself was brought here in handcuffs, but he had nothing to do with it, and was detained as a witness. I have heard of their being handcuffed, but I never saw any.

Question. Is it the usual practice to handcuff illicit distillers when they are arrested?

Answer. That may be the practice of the marshals in this State. Our officers, when they arrest persons for offenses against the State laws, sometimes handcuff them, and sometimes not.

Question. Do they do so in cases of misdemeanor?

Answer. Well, the negro whom I saw, that was tried and acquitted for cutting a white man, was chained, and tied to a wagon and carried to jail.

Question. He was acquitted?

Answer. Yes, sir.

Question. What was the character of the jury that acquitted him?

Answer. The constitution requires that jurors shall be drawn by the judge of the court, and shall be selected from intelligent and upright citizens of the State.

Question. Were they all white men on that jury?

Answer. I think they were; we have had no negroes in the jury-box where I have been.

Question. Who defended him?

Answer. I think a couple of lawyers from my town. I think the district attorney for my court defended this man in the superior court.

Question. Do you know what political party those gentlemen belonged to?

Answer. I have never heard Mr. Whittaker express himself; I do not think he is a republican, and yet I have never heard him say to what party he belonged.

Question. How about the other gentleman who defended the negro?

Answer. I do not now remember who the other counsel was.

Question. Were they men of eminence and ability?

Answer. Yes, sir; Mr. Whittaker is a man of very good ability; he is a young lawyer; a promising lawyer; and is a good district attorney.

Question. You have been asked in regard to the public press of this State. Can you produce an article by a democratic paper in this State encouraging the commission of any of these outrages?

Answer. No, sir; I have never seen any that came out in direct terms and encouraged them.

Question. You say you are a general reader of the newspapers of the day?

Answer. I read them, I reckon, as much as any person of my position.

Question. And you keep yourself posted in regard to the condition of the affairs of the day?

Answer. Yes, sir.

Question. Have you not read in the democratic papers of this State denunciations of these crimes, and expressions of a desire to see them suppressed?

Answer. I do not now remember an instance. I will not say that there has not been one, or that I have not read it; but I cannot, at present, call to mind an instance in point.

Question. Can you call to mind an instance of the kind in the other papers?

Answer. No, sir; I can only say that the other papers have discountenanced and denounced them as outrages.

Question. Do you mean to say that the democratic papers have not denounced and discountenanced these outrages?

Answer. No, sir; I do not say that none of them have done so. I only say that I cannot just at this time remember an instance of the kind. I will state very confidently that I do not think they have denounced them as much as they ought to have done.

Question. Can you at this time state an instance where a republican paper has pointedly denounced them?

Answer. I cannot remember a particular instance; but I know it to be the fact generally that they do denounce them.

Question. Do you consider that they denounce them more than the other papers do?

Answer Yes, sir; but the particular remarks they made I do not now remember; I know it has been done, and that it is their habit to do so, and I do not think it is the habit of the democratic papers to do so.

Question. You have been asked about the intimidation of voters at elections. I understood you to say that there would be general representations made that if parties voted the republican ticket evil results would follow from it.

Answer. Yes, sir.

Question. That has been the style of argument adopted to keep them from voting?

Answer. Yes, sir. But I added that in some instances they would be told—I am speaking now in reference to the presidential election more particularly—that there were probable threats of discharge from service; so the voters would tell me. I never heard any one intimidated at all in that way. The only attempt at anything of that kind that I know of personally was the attack made upon me under the circumstances I have already narrated.

Question. Were there any associations through your State known as Union Leagues?

Answer. Yes, sir.

Question. Were they very general among the colored people?

Answer. I think that at one time they were pretty general.

Question. Did that organization extend throughout the entire State?

Answer. I think so.

Question. Were there any local county organizations?

Answer. Yes, sir.

Question. Did they merge themselves into a central organization?

Answer. Yes, sir; a grand lodge, or a grand council, of the State.

Question. Was that Union League an oath-bound society?

Answer. Yes, sir.

Question. None were admitted to its conferences but those who were republicans?

Answer. No, sir.

Question. Did that Union League embrace the male colored population of the State generally?

Answer. Only a portion of it; I do not think it embraced a majority of the colored population.

Question. Did not the negro population chiefly compose that organization so far as numbers were concerned?

Answer. I think that at first it began with the whites; and then they extended it to the blacks, and took them in. I think the first organization was in the upper part of the State, almost exclusively among the whites, though I am not certain about that fact.

Question. Did not the preponderance of numbers soon become in favor of the negroes?

Answer. I think so, because there were more negroes than whites that participated in reconstruction.

Question. Is there not in this State a vast preponderance of negro republicans over white republicans?

Answer. In my part of the State I believe only thirty-one whites voted for me at the time I was elected a member of the legislature.

Question. How many blacks voted for you?

Answer. Some 1,600 or more.

Question. What was your majority?

Answer. It was four hundred and something.

Question. Have you ever been aware of any intimidation of colored people towards each other?

Answer. No, sir; I never knew of any interference by them. I cannot say I have heard of that here in Georgia, but I have read of it in North Carolina, as developed by the investigation of the committee.

Question. You have heard of such intimidations by the colored people as you have heard of these Ku-Klux outrages?

Answer. Yes, sir.

Question. Was the information to the effect that the negro political organizations intimidated their fellows from voting contrary to their wishes?

Answer. I inferred that from the few cases mentioned in the book I have referred to; but I have never heard of anything of the kind in Georgia. They may use their influence; I do not know but what they may use words indicating wounded feeling, or something like that, with one another, for they are a very sensitive people. But I have no information upon that point at all. I do not say but what there have been such cases, but they have not come within my knowledge, and I have not heard of them.

By Mr. VOORHEES:

Question. Do you think a northern man would incur any risk of danger to himself or to his property by moving to any part of Georgia, at this time, if he became a law-abiding citizen, and endeavored to make a living by honest means?

Answer. I do not believe he would incur any danger, and I believe the people would be very willing to accept him anywhere.

Question. Is it not the general desire of the people of Georgia, so far as you know, to encourage the immigration of industrious and law-abiding people into their midst?

Answer. I think it is.

Question. Without regard to their political opinions?

Answer. I do not think they regard their political opinions so much in that respect. I do not think they care so much about their political opinions when they come in for the purpose of merchandising or farming. I think it irritates them very much when they engage in politics, openly and actively, as a general thing.

Question. What is the general feeling of the people in regard to the removal of disabilities, so far as you know?

Answer. I think the most of the people desire a removal of political disabilities.

Question. I will ask you, as much for information as anything else, because you bear that relation to the administration which entitles your opinions to consideration, what is your opinion as to the effect of a general measure of amnesty?

Answer. I do not know that it would produce any effect, at this time, to change the state of feeling. I do not know that it would tend to make the state of feeling toward the Government better than it is. I do not mean to say that there is a hostile feeling toward the Federal Government on the part of any one, or any number of individuals.

Question. Do you mean that the time has gone by when such a measure would have any great importance?

Answer. I took the position myself in the very first address I delivered in our constitutional convention, that, while I supported the reconstruction measures, I regarded it as a great blunder to disqualify any man from voting. I think it has been the occasion of more bitterness in politics than anything else. I think if the ballot had been left within the reach of all we would have had an easier path to reconstruction, and would have escaped very many troubles which we have had. Therefore, I have been a constant friend of universal amnesty.

Question. Do you, at this time, regard the condition of Georgia, generally speaking, as one of prosperity, and of hopefulness for the future?

Answer. Yes, sir.

Question. There is a general exhibition of industry throughout the State?

Answer. Yes, sir.

Question. Towns are being built up, &c.?

Answer. Yes, sir; some of them are improving more rapidly, I think, than they did before the war.

Question. Has not Atlanta been of almost unexampled growth since the war?

Answer. Yes, sir, amazing. I have wondered at its remarkable growth.

Question. Is it not the general disposition of your people to engage in the pursuits of eace and industry, and to build up the State, and promote their own fortunes?

Answer. That is the great object wherever I have been and have had any intercourse ith the people.

By the CHAIRMAN:

Question. I understand you to say that you think the prosperity of this State is reater now than it was before the war?

Answer. I spoke of some towns that were growing up more rapidly, I thought, than efore the war. I did not speak of it so generally as your question would indicate.

Question. The tendency is in that direction?

Answer. Yes, sir; and we have some villages where I think the improvement has een very marked and decided.

Question. It has been so for two or three years?

Answer. Yes, sir; for the last two years especially.

Question. I understood you to say that you entertained the opinion that it was unise, at least, if not wrong, for the Government to have punished any of the leading nd prominent rebels?

Answer. It was my conviction from the outset that it was a great blunder; and the ore I have looked at it and reflected upon it, the more I am convinced of it. I know was the cause of the deepest hostility of feeling amongst the people. I think it was ie greatest blunder Congress made in the reconstruction acts to disfranchise and disualify from holding office any class of people.

Question. Do you think it would have been a better policy to have placed the affairs f the government of this State in the hands of those men who were the leaders of ie rebellion?

Answer. I think it would have been better to have placed the ballot in the hands of ll, and then to have allowed the people to elect whom they pleased.

Question. Do you think it would have been better to have put the government of the tate into the hands of those leaders who took the State into the rebellion than into he hands of those men who professed to be friends of the Government?

Answer. No, sir; but I do not see any connection between that thought and the idea hich I expressed.

Question. I am merely asking your opinion.

Answer. No, sir; I have always opposed that. I wanted the government to go into he hands of the men who were devoted to the interests of the Government.

Question. Do you not suppose that if the course you have indicated had been taken, every man had been allowed to vote, and any man to be elected who could get a ajority or a plurality of votes, the government of the State would have substanally gone back into the same hands that held it at the outbreak of the rebellion?

Answer. When I look at the result of our elections for the last year or two, I think at is very likely; but then I am convinced that there have been other causes that ave operated to produce those results here. It is possible such might have been the sult; but there has been, in this State, a majority of republicans, and, in my opinion, ad a proper course been adopted, the State would have held its own at this time as republican State.

Question. Under what was called the Johnson administration, was not the governent of the State practically under the control of the same men who carried it into ie rebellion in 1861?

Answer. Yes, sir, I think so; it was practically under their control.

Question. Does that not bring the matter back to my first question, whether, everying considered, it was better that the government of the State should be in their ands, or that it should be put into the hands of men who were the friends of the Govrnment?

Answer. It is better it should be put into the hands of the friends of the Government. think I have not said anything that would make an opposite impression.

Question. You have been asked with reference to the trial, before a commission oranized by General Meade, of the murderers of Mr. Ashburn. I understood you to say at that commission dissolved before it had completed its labors, or had come to any sult; that it was dissolved by the organization of civil government here?

Answer. Yes, sir.

Question. Were the men under arrest turned over to the civil government to be dealt ith?

Answer. Yes, sir.

Question. Has there been any trial or investigation in any solitary instance of any of he men who were charged with that murder?

Answer. If there has been, I have never heard of it.

Question. Why did the attorney general, Mr. Akerman, retain you to procure testiony and bring it here to the district attorney?

Answer. Because in his judgment, as expressed in my instructions from him, there

are many weak and timid persons who either do not know how to get their own cases before the courts, or who are afraid to make the effort; therefore, it was deemed proper to select some persons who would not be afraid to go into any locality and hunt them up and place in their hands the means of getting their cases before the courts, or of getting the facts from them.

Question. Are there any laws in the State of Georgia against taking men from their houses and maltreating them, and mutilating them; against whipping them; against taking women out and throwing them upon the ground and compelling them to expose their nakedness?

Answer. O, yes, sir; that is all against the laws of the State.

Question. Is there any law against taking them out and holding them down on the ground, with one man standing upon their head and another upon their feet, and beating them while in that condition?

Answer. Yes, sir; we have laws against all such things.

Question. Why was it necessary to employ persons to search out those cases, and bring them here before the Federal grand jury? Why not have left them to the State tribunals in the several localities?

Answer. I suppose it was because the parties were afraid to bring those matters to the attention of the authorities in their counties. I am informed that is the case in some counties.

Question. Now, I desire to ask you, and I want you to consider the responsibility of your answer——

Answer. I should do that, go where I may.

Question. Are you not satisfied that in the vast majority of these cases it would be utterly impossible to procure a proper administration of justice in the localities where these offenses are shown to have been committed?

Answer. You ask me about a fact; I do not know anything about it.

Question. I asked you if that was your opinion.

Answer. I could not form an opinion only upon the representations those parties make to me. Taking those representations as correct I think that is the case to a great extent. But I do say, as I have before asserted, that so far as my knowledge is concerned of the facts within my section of the State, any of these parties could go before the courts of the State and have their trial.

Question. I understand you to say that in your part of the State there are none of these organized bands of men going about and committing outrages?

Answer. Well, I have stated that since I have been here I have heard, through the district attorney, that there have been some whippings recently in one of their counties. Those cases come within the jurisdiction of my court; and I believe there is not a case of that sort in my county but what the parties can go into my court and obtain justice. The democratic lawyers will take their cases and advocate them, and the jury will give a verdict of guilty against the parties, if the evidence is sufficient to justify such a verdict.

Question. That has not yet been done?

Answer. There has been no such case before me. I think my court is the very place for those persons to come to. If they will come into my court I am perfectly satisfied, from the state of feeling existing in Heard County, and the trials that have already taken place, that they can obtain justice from a jury of that county.

Question. I hope that will prove to be the case.

Answer. I judge so from the facts.

By Mr. VOORHEES:

Question. Do you know any class of men, or any political party in the State of Georgia, who would, in your opinion, if they could, restore the institution of slavery?

Answer. I do not, and I don't believe there is any.

Question. So far as your knowledge extends, is the general feeling of the white people of Georgia kind or unkind to the negroes in their midst?

Answer. It is as kind now as I ever knew it in my life. They are very kind now, more so, I think, than they were just after the war, for then they were irritated.

By the CHAIRMAN:

Question. Do you mean to say that is the case all over the State?

Answer. As far as my knowledge extends; that is all I can say.

By Mr. LANSING:

Question. Do you know any class of men who would claim from a democratic national administration, if one should be elected, compensation for their emancipated slaves?

Answer. I have never heard any one express any expectation of such a thing.

Question. Do you believe there is such a class of men in Georgia?

Answer. As would demand it?

Question. Who would claim remuneration for their emancipated slaves.

Answer. I could not possibly express a belief about a thing I have never heard of.
Question. You have never heard the subject discussed?
Answer. No, sir, never.
Question. What is your opinion on the subject?
Answer. I do not think any such class exists here; I cannot tell you, because the question has never been discussed before me. It is a bare possibility that there may be some who would look for such a thing.

By Mr. VOORHEES:

Question. Do you know anybody in the republican party who would ask for something that did not belong to him?
Answer. I do not.

[See page 433.]

LA GRANGE, GEORGIA, *October* 30, 1871.

SIR: I send you, as requested, my article to the New York Tribune in relation to the Ashburn murder; also the tabular analysis of election returns of the presidential election, 1868, prepared by me for the republican executive committee, to which I referred in my testimony before your committee.

Respectfully,

J. H. CALDWELL.

Hon. HORACE MAYNARD,
Chairman, &c.

ASSASSINATION OF THE HON. G. W. ASHBURN IN COLUMBUS, GEORGIA.

To the Editor of The Tribune.

SIR: As presiding elder of the La Grange district, Georgia Mission Conference of the Methodist Episcopal Church, I came to this place last Friday to hold my quarterly meeting. On Saturday, the 29th instant, I attended a mass republican meeting in the court-house square. The meeting was largely attended, addressed by several speakers, and conducted in an admirable spirit. Last night I was present at Temperance Hall and heard the Rev. H. M. Turner (a colored delegate to the late convention) speak. Mr. Ashburn came in while he was speaking, sat quietly till the close, and then left. It was about 2 o'clock the same night when a messenger called at the house where I was lodging, and announced that Mr. Ashburn had been murdered in his room. I have spent the whole day in trying to gather up all the particulars of this atrocious murder. The following facts were stated to me by a Union man who was on the jury of inquest:

Between 12 and 1 o'clock last night a crowd of persons, estimated at from thirty to forty in number, went to the house where Mr. Ashburn lodged, surrounded the building, broke open the rear and front doors, and murdered him in his room. He received three fatal shots, one in the head between the eyes, one just below and to the rear of the hip, and another one in the mouth, which ranged upward. His clothing had from ten to fourteen bullet-holes in them. Five persons entered his room and did the murderous deed; the rest were in other parts of the house and yard. The crowd remained from ten to fifteen minutes, during which time no policeman made his appearance. As the murderous crew were dispersing, however, some policemen made their appearance on the opposite side of the street. They could give no account of the affair when examined. This deed was perpetrated on one of the principal streets, in the most public part of the city, and not far from the ——— house. All the assassins wore masks, and were well-dressed, showing that they were of the "better class" of the citizens of Columbus. They are evidently members of the new secret political order called the "Ku-Klux Klan." This "Klan" seems to have organized here within the last week or two. It is now about a month since the first notice appeared in the papers of its existence in Tennessee. Within the last week these cabalistic letters and signs have been marked on the doors and walls throughout the city. Placards have been posted up at the doors of Union men, containing their mystic letters and signs, with skulls, coffins, skeletons, crossbones, deadly weapons, and written sentences breathing out most terrible threatenings against them. They were warned that their time was short; that their days were numbered; that they must prepare for sudden and awful death. They were reminded that the time had come when the blood of the confederate dead would be required at their hands; that the spirits of the slain were swarming through the atmosphere, and calling for vengeance. Secret assassinations were hinted at in various ways. No

less than three of these mysterious placards were hung up at the door of the assessor of internal revenue, Mr. Joseph Webster. On one of them he was warned to prepare for sudden death. One of them contained a coffin, with Ashburn's name written near it, and the picture of a skeleton lying in it. Among other things a bundle of bones was hung up at Mr. Webster's door. Several Union men had received anonymous missives warning them that they must prepare to die. For several days before the horrible tragedy one of the city papers, The Columbus Sun, had contained a number of notices of the "K. K. K." and predicted some sudden and dreadful event. On March 24 that paper contained no less than three different accounts of the "Klan." The first was an account of its origin and design, and was copied from The Nashville Banner. It justifies the organization, and plainly shows the design to be to resist what it calls "Radicalism in Tennessee," and opposed to an organized system of public law—a systematic, organized secret force. The second article is a leading editorial. The editor justifies the organization and says that it is "large and powerful, and conducted upon such a system as to defy detection." In the third article he speaks of it as "startling developments," and says "something awful has come to town." After naming several prominent Union men, he says, "The Ku-Klux Klan has arrived, *and woe to the degenerate*." "Something terrible floats on the breeze, and in the dim silences are heard solemn whispers, dire imprecations against the false ones who have proved recreant to their faith and country. Strange mocking anomalies now fill the air. Look out!" On the 27th, three days before Ashburn was assassinated, The Sun contained another article, headed "Mysterious and Awful Portents." Again, the editor gives notice to "radicals" and "scallawags" of some terrible doom, and adds the warning, "Let traitors beware!" These are only a few of the many hints and vague warnings, mingled with threats of vengeance against traitors, (as he calls Union men,) which the editor of The Sun put forth time and again during the week preceding the assassination. How can an unprejudiced reader resist the conviction that he knew beforehand what was going to happen?

The speakers on Saturday, like The Tribune of some days before, had treated the mysterious Ku-Klux as a huge joke, as a mere scheme to frighten the ignorant and superstitious blacks (and whites too) in order either to control their votes at the election, or keep them away from the polls. The whole thing, with all its pretended mystery, was ridiculed. The bones hung up at Mr. Webster's door were discovered to be turtle's bones, and the blacks laughed heartily when the discovery was announced to them by one of the speakers. The miserable wretches who thus attempted to trifle with and make light of the bones of their slaughtered braves (for they pretended to bring up the bones of the confederate dead) were made a spectacle of contempt even in the eyes of negroes. The blacks were also amused at the suggestion that the spirits of the confederate slain were called forth by the grim Ku-Klux to revenge themselves upon the white Union men of the South. But in the report of the proceedings of the meeting in The Sun of the following morning (29th inst.) there were vague hints that it was not all meant to scare people. The conclusion to which The Tribune of the 24th inst. came, that there is a "far more serious matter in it," is now verified beyond the shadow of a doubt. Had nothing else occurred, the editorials of The Sun and other democratic papers in Georgia are enough to show that mischief of some sort was meant by this mysterious Klan.

The sudden, horrible, cowardly, and brutal murder of Colonel Ashburn, by this infamous band, shows that their purpose is murder. They are bent upon midnight assassinations of the darkest, bloodiest, and most diabolical character. Union men all over the city now feel that their lives are every moment in danger. They do not know at what hour of the night they may be massacred in their beds. Think of from thirty to forty armed assassins breaking in after midnight to murder one helpless man! It is enough to make the stoutest heart quail. Yet the papers taunt the Union men with fear and cowardice. The Union men could stand it better than their poor wives and little ones. Their very hearts are chilled with horror, and they are suffering an agony of dread which no words can express.

Tuesday morning, April 1.—The above was written at the house of a devoted Union man, a minister of the Methodist Episcopal Church. His wife was weeping nearly all day, and she spent a sleepless night. The Rev. Mr. P. has been in the city since last October. He withdrew from the Methodist Episcopal Church South more than two years ago, and united with our Methodist Episcopal Church, and is stationed here as a missionary of that church. After his arrival he was met by one of the pastors of the Methodist Episcopal Church South, in this city, who, for no other cause, told him to his face that he regarded him (the Rev. Mr. P.) as his enemy. Last night a number of colored men, alarmed for the safety of all loyal white men, were armed, and kept watch around his premises. This Christian family, in this Christian city, was guarded by negroes to protect their lives against midnight assassins. Are we repeating the days of the French revolution? Whither are we drifting, that peaceable, quiet, God-fearing men cannot enjoy or express an opinion of their own without danger of persecution and personal violence? Read the account (in this morning's Sun) of the assassination

See how prejudiced, how partial, how full of hatred to the murdered man it is. It invents a pure, malicious fiction, an altercation between Turner and Ashburn, at Temperance Hall, on Monday night, at the close of Turner's speech. I was present during the whole time, heard every word that was said, and no disagreement took place; not a word was spoken amiss by either Turner or Ashburn. This is just like the rumors that were put afloat yesterday. One was that the Federal soldiers had killed Ashburn, and another that his own "radical" clique had done it. I had spent several days in intimate conversation with the Union men of the city, and know that they were all on the kindest terms with Ashburn. Later in the day, they had it that the negroes had killed him. All this is to cover up and confuse the whole affair, just as they did in the New Orleans, Memphis, and Mobile riots. But every one in Columbus knows for what purpose these vile insinuations are put out. See how The Sun abuses and traduces the character of poor Ashburn, even while his mangled corpse lies before the very eyes of the editor. Ye people of America, do ye not understand all this?

Do you not see that in this same spirit the opposition of the democratic press of the South is continually abusing, traducing, and slandering all Union men, and endeavoring to silence, if they cannot drive out of the country, every man who is an active promoter of reconstruction? Look at the scandalous, abusive, and scurrilous article which appeared in the New York World, in its special correspondence from Atlanta, dated March 18, in which it deliberately slanders more than half the members of the late convention. Where is our civilization? It is impossible to describe the miseries which the despised, slandered, persecuted, Union men of the South have to endure. I have sometimes heard them cry out in an agony bordering on despair, "How long, O Lord, how long!"

As for Colonel Ashburn, he falls a martyr to liberty—a martyr to Southern loyalty. He was one among the very few men in Georgia who openly resisted the secession mania all through the war. He avowed his loyalty to the Federal Union, and fought to maintain it. For this he was most cordially detested by all the Southern braves, (?) who only showed their courage by pens that were dipped in gall. This was the head and front of his offending. After the war he returned home the ardent friend and supporter of reconstruction in its various phases, as they successively appeared, until their culmination in the calling of the late constitutional convention, of which he was a member from the county of Muscogee. He was distinguished more for his patriotism than for learning, eloquence, or intellectual greatness; but he was known throughout the Union as an uncompromising republican. He had his faults, like other men; was sometimes harsh, and advocated extreme measures, and did not always temper his views and measures with prudence. But in the convention he seemed to soften down very much; spoke of his opponents in terms of kindness, and advocated the most liberal and generous policy toward the enemies of reconstruction. For a time it seemed that his course would soften the temper of his political enemies; and while in the convention one of them came in at a time when he was making a speech in favor of enfranchising all the whites, and, expressing surprise at his liberal ideas, complimented him highly. But this very mildness seemed to react and stimulate the hatred of his foes, who were determined on opposing any constitution the convention might frame. They seemed to be enraged because there were not features in the constitution which would enable them to defeat it. He returned to Columbus some two weeks ago, and continued to act in the same subdued and conciliatory spirit to the moment of his death. He had done nothing to provoke the murderous revenge of his enemies. They murdered him purely for his political opinions and his active support of reconstruction. They had no other reason to hate him. As he lived a patriot, he died like a hero. He had a pistol in his hand when assailed, but seeing that he was overpowered and would certainly be killed, refused to shed any blood; but he boldly confronted his assailants, and received his fatal wound in front. Heroic man! Yet some of the papers have had the meanness, in the face of this dauntlessness, to brand him with cowardice. One of the assassins had the indescribable baseness to slip up behind and shoot him from the rear. Another, after he had fallen, and was dead or dying, stooped down and, under a table, shot him in the foot.

This terrible deed should convince the people of this nation that the lives of Union men are not yet secure in Georgia. There cannot be a doubt now that there is an extensive organization of bad men, supporters of the "lost cause," who are sworn to gratify their revengeful hatred by midnight assassinations. This mysterious Klan is applauded by the papers; their vague hints of terrible deeds are copied and commented on without a word of censure, but with evident approval and encouragement. The infamous character of the Ku-Klux Klan should be known, and the American people should lose no time in seeking its suppression.

Truly yours,

X. Y. Z.

COLUMBUS, *April* 1, 1868.

ROOMS EXECUTIVE COMMITTEE,
UNION REPUBLICAN PARTY OF GEORGIA,
Atlanta, Georgia, November 19, 1868.

Hon. W. E. Chandler, Secretary of the National Republican Executive Committee:

DEAR SIR: I have made out a complete tabular analysis of the official returns of the presidential election in Georgia, which I herewith forward to you. The one hundred and thirty-two counties are divided into twelve sections, of eleven counties to each section. The counties are not taken promiscuously, as appears to be the case at the first glance at the tables, but are tabulated according to a certain order—the vote for General Grant being made the basis of classification, and the sections run in order, from the lowest to the highest vote cast for him, beginning, as you see, from the first table with the eleven counties that gave him nothing. These figures have been questioned very closely in every point of view, and their uniform testimony is the same. Figures do not lie when properly interrogated, and these tell their own tale of the fraud, violence, and terrorism by which Georgia, with a clear majority of at least twenty thousand republican voters, has been managed in such a way as to give a democratic majority of more than 46,000!

These different sections are arranged into three different groups, each comprising *forty-four counties*—just one-third of the whole number in the State. Questioned in this way, they still tell their story of outrage and wrong, which numerous letters from all parts of the State confirm.

1. The first section of eleven counties contains 7,823 registered voters, with a white majority of only 705. They polled in April last, at the election for governor, 4,891; on 3d November, for President, 4,116. Gordon's majority over Bullock was 919, and Seymour's over Grant 4,116—the whole of the vote polled in November.

Is it not strange that in these eleven counties, with 3,559 colored voters, there was not one man, white or colored, to cast a vote for General Grant? It does not appear that a single colored man voted in this whole section. The vote in November was less by 775 than in April.

2. The second table contains 10,727 registered voters—the colored majority being 853. They polled in April, 8,118, and in November, 5,584—2,534 less than in April. They gave Grant only 87 votes! Three of the counties (Camden, Columbia, and Randolph) gave him only one vote each; and one (Chattahoochee) gave him only *three!* The result here is the more remarkable, as Columbia gave Bullock 1,222 votes. It does not appear that colored persons were allowed to vote in any of these counties. Just think! Here are (in sections 1 and 2) twenty-two counties which gave Grant only 87 votes, which gave to Bullock nearly three thousand.

3. The whole number registered in the 3d section is 13,222. The colored have a majority of 694. These counties polled, in April, 9,417, and in November, 6,637. Gordon's majority was 2,345, and Seymour's 6,139! Grant got only 498 votes!

Here, then, are *thirty-three* counties with a voting population of 31,772, and a colored majority of 842, and yet these counties only gave Grant 575 votes. Can any one explain these figures so as to show that colored men were allowed freely to exercise their right to vote?

4. The fourth section has a total registration of 11,343, and a colored majority of 863. They polled 8,824 in April, and only 7,177 in November. Bullock's majority was 1,748, and Seymour's 5,029! Grant got 1,094.

These four tables make up the first group of forty-four counties. Let us scan their aggregates. The whole registration is 43,105—the colored majority 1,615. They polled in April 30,750, and in November only 23,506. Gordon's majority was only 2,196, while Seymour's, with 7,244 less polled than in April, has a majority of 20,188! Grant got only 1,659 in the whole group of forty-four counties!

These figures plainly show where the terrorism prevailed to the greatest extent. This group embraces Columbia, where, with 1,854 colored voters, Grant got only one vote. It includes Mitchell, where the Camilla riot occurred, and Stewart, where Dr. Blount, a staunch republican, was driven from his home. These figures teach that few colored men throughout this group of counties were allowed to vote.

5. The fifth section embraces 14,344 registered voters, with a white majority of 1,926. They polled in April, 11,390, and in November, 9,635. Bullock's majority was 194, and Seymour's 5,893. Notwithstanding the poll was less by 1,655 than it was in April, there was a democratic gain of 5,699. Still these eleven counties did more for Grant than all the forty-four preceding—they gave him 1,871 votes. The large white majority in this section accounts for it. There were more white republicans in these counties, and they not only voted themselves, but they gave moral support to the blacks in their attempt to vote.

6. The sixth table contains 16,070 registered voters, with a white majority of 1,760. They polled in April, 12,517, and in November, 10,735. Gordon's majority was only 275, while Seymour's amounted to 5,267, with a smaller poll by 1,782 than in April. But these counties added nearly fifty per cent. to Grant's vote over the preceding section.

This shows that the causes which began to operate in the preceding section became more successful in this. Grant got 2,734.

7. The whole registration of this table is 13,570, with a white majority of 7,106. They polled in April, 10,157, and in November, 10,783—a number nearly equal to the white vote. Gordon's majority was 1,805, and Seymour's 3,543. They gave Grant 3,620. Why did this eleven give Grant more than half as many as he got in the preceding sixty-six counties? Most of these counties are in the "White Belt"—only one of them having a colored majority. The white republicans were firmer and bolder, and the blacks less intimidated.

8. The eighth section has a registered vote of 14,148, and a white majority of 4,966. These counties polled in April, 10,532, and in November, 11,832. Notwithstanding the large majority of white voters, Gordon's majority was only 266, while Seymour's was proportionately less than in some of the earlier divisions where there were colored majorities. His majority was 3,062—General Grant got 4,385 votes.

This completes the second group of forty-four counties, and the following are the aggregate results: Registration, 57,098; white majority, 15,792. Polled in April, 44,596; in November, 42,985—less than in April, by 1,611. Gordon's majority was 2,452, and Seymour's, 17,765. It is evident that the white republicans throughout this group had a desperate struggle; but they met the enemy manfully, and gave him the best fight they could. In most of the counties the white element predominates. But in some of them there are large colored majorities. They were in those sections, however, where they were not allowed to vote, to any large extent. This accounts for the large majority for Seymour in this group. Such, at any rate, is the undeniable testimony of the figures. How can they be explained upon any other hypothesis? How is it that Seymour's majority diminishes proportionally wherever there are large white majorities in any of the foregoing sections?

The theory which these figures support is, that from some cause, or by some means, the colored people did not vote. The question to be answered now by any one who denies coercion is, why the colored vote is not developed in this group as it is in the following one.

9. The registration for this section is 20,217; the white majority, 4,361; polled in April, 16,230, and in November, 17,824. Gordon's majority was only 348, and Seymour's 4,052. Grant got 8,766 votes.

10. The tenth table gives 23,108 voters, with a colored majority of 3,224. Polled in April 19,907, and in November 21,028. Bullock's majority was 3,005, and Seymour's 2,054. Grant received 9,487 votes. This range of counties appears to have had more fairness in the election than any of the preceding. But there was a great falling off from the large republican majority in April. The various causes which operated to deter freedmen from voting, still operated, but with diminished force. It is manifest that the white republicans exerted more influence, and displayed more firmness and boldness than in any of the foregoing divisions.

11. This section has 28,113 voters, with a colored majority of 10,215. They polled 24,195 in April, and 27,348 in November. Bullock's majority was 5,657. Grant's 700—the only section that gave him a majority. But how far below Bullock's! The causes enumerated in section 10 were at work here with increased vigor and success. Leading white republicans were more numerous, and they strengthened and encouraged the colored men in their efforts to vote.

12. This last table of the series contains several counties which were either omitted in their proper places or returns from them came in after the tables were commenced. One of them (Towns) still remains blank. The whole number of voters 29,002. Colored majority 1,796. Polled in April 24,457—in November 26,723. Bullock's majority 2,489. Seymour's 2,883. Perhaps colored men who fled from the polls in Savannah when the disturbance occurred would have overcome this majority of Seymour had they remained and voted.

This completes the third and last group of forty-four counties. The summing up is as follows:

Registered voters 100,440; colored majority, 10,874; polled in April 83,604—in November 92,923; Bullock's majority 10,986; Seymour's 8,289. The entire vote for General Grant in this group is 42,317—about three-fourths of his entire vote in the State. All the larger cities and most of the populous counties where there are large colored majorities are in this group. There are many leading white republicans who have exerted their influence and given moral support to the humbler class of voters.

But notwithstanding all this, there was a democratic gain of 19,275. This resulted from rejected colored voters for non-payment of taxes, and other party manipulations of the democrats. This group embraces Chatham County, where the vote for Gordon was only 2,782, and that for Seymour 4,643, and yet the vote for Grant was 2,316, and it is said several thousand blacks left the polls without voting after the difficulty commenced. How Seymour could have got so large a majority is a mystery to all but the managers.

GRAND RESULT.

There are 102,411 white, and 98,507 colored registered voters in Georgia—200,918. There were polled at the April election 159,883, and in November (not counting Towns County) 159,414. This is less by 469 than was polled in April.

A material element in this result cannot be definitely ascertained. I allude to the whites who were disfranchised at the election in April, and who were entitled to vote in November. The number is variously estimated at from 8,000 to 20,000, and they increase the white vote by so much. Bullock's majority over Gordon was 7,171, and Seymour's over Grant 46,242.

The great bulk of the vote for Grant was in the cities and towns where there was military protection, and in the counties where there were leading and hard-working white republicans.

Seymour's entire vote is nearly equal to the white registered vote of the State. The democrats were most thoroughly organized all over the State. They were as well drilled as an army of veterans, and moved with perfect concert and regularity. If they had designed to make a show of getting all the white vote of the State with a view of supporting their pretensions of a "white man's government," and arranged all their plans for that end, they succeeded most admirably. But these figures tell out the tale. Let them explain them. If any one denies that there were fraud, violence, intimidation, coercing of colored voters, stuffing of ballot-boxes, and substituting republican ballots with democrats, let them explain these figures.

Yours, truly,

JOHN H. CALDWELL,
Member National Republican Executive Committee.

ANALYSIS.

FIRST GROUP—TABLE I.

Counties.	Registered voters.		Vote for governor.		Vote for President.	
	White.	Colored.	Bullock.	Gordon.	Grant.	Seymour.
Appling	465	94	59	238	.....	336
Bullock	553	288	42	405	.....	425
Coffee	354	93	107	122	.....	160
Early	469	799	355	597	.....	548
Irwin	196	37	.....	.....	.....	145
Jones	486	1,073	718	559	.....	423
Lincoln	297	590	406	350	.....	324
Miller	272	185	187	211	.....	302
Montgomery	338	158	34	239	.....	230
Tatnall	478	146	78	284	.....	452
Telfair	356	156	.....	.....	.....	291
Total	4,264	3,569	1,986	3,015	.....	4,116

TABLE II.

Comden	152	590	511	33	1	100
Columbia	669	1,854	1,222	457	1	1,130
Randolph	954	1,193	687	1,113	1	989
Chattahoochee	463	569	277	551	3	533
Jasper	696	988	789	665	5	873
Wilcox	257	114	3	281	7	237
Glascock	343	172	176	241	10	334
Wayne	178	68	34	62	10	175
Johnson	310	144	165	233	12	232
Dade	454	33	65	234	18	310
Berrien	461	65	40	279	19	614
Total	4,937	5,790	3,969	4,149	87	5,497

TABLE III.

Counties.	Registered voters.		Vote for governor.		Vote for President.	
	White.	Colored.	Bullock.	Gordon.	Grant.	Seymour.
	173	15	42	61	25	147
	590	257	166	295	29	460
	884	798	467	740	32	850
	357	1,053	255	840	33	724
	837	885	221	760	34	1,015
	822	1,256	1,057	758	49	963
	307	401	6	356	53	312
	332	193	84	248	53	278
	652	71	97	509	58	459
	380	501	389	374	69	454
	925	1,533	752	940	63	482
	6,259	6,963	3,536	5,881	498	6,139

TABLE IV.

	427	202	220	176	75	311
	746	1,545	1,394	529	85	958
	225	134	108	109	86	172
	598	1,362	979	672	86	1,352
	464	239	216	308	91	398
	160	52	96	30	95	156
	225	171	99	95	105	240
	804	209	350	477	107	664
	410	639	452	341	112	677
	830	1,158	1,144	557	116	849
	401	342	228	248	116	346
	5,290	6,053	5,286	3,538	1,074	6,103

SECOND GROUP—TABLE V.

n	1,336	1,437	1,075	1,278	143	1,076
	525	82	219	273	143	433
	536	896	683	286	147	628
	727	223	207	405	147	534
	605	876	640	420	158	1,363
	743	156	380	277	172	388
	392	558	627	346	197	519
	751	1,219	1,224	544	188	881
	698	121	230	428	194	447
	579	223	326	349	195	463
	1,143	418	281	902	197	1,092
	8,135	6,209	5,792	5,508	1,871	7,764

TABLE VI.

	667	649	353	781	201	835
	294	874	711	145	207	288
	1,093	1,971	1,249	1,355	234	1,245
	981	840	589	856	249	1,027
	701	218	426	193	241	504
	947	1,159	809	702	213	955
	787	378	400	483	286	649
	793	17	282	449	280	435
	415	400	202	444	282	474
	1,093	85	429	412	277	534
	1,138	564	671	576	264	1,055
	8,915	7,155	6,121	6,396	2,734	8,001

ANALYSIS—Continued.

TABLE VII.

Counties.	Registered voters.		Vote for governor.		Vote for Presid	
	White.	Colored.	Bullock.	Gordon.	Grant.	Seym
Murray	887	118	350	569	338	
Polk	883	387	337	601	319	
Cherokee	1,515	216	369	693	359	
Forsyth	1,056	152	336	580	305	
Heard	789	402	435	444	334	
Lumpkin	764	123	270	385	308	
Dawson	572	62	301	151	316	
Gordon	1,340	222	328	787	327	
Hall	1,219	184	430	554	327	
Taylor	649	507	536	575	345	
Terrell	664	869	332	852	362	
Total	10,338	3,282	4,024	6,131	3,620	7,

TABLE VIII.

Calhoun	363	704	431	371	391	
Clay	471	455	319	438	351	
Crawford	561	762	514	535	373	
Gwinnett	1,633	341	505	836	388	1,
Gilmer	921	24	374	228	406	
Fannin	709	125	344	129	421	
Henry	1,066	612	614	760	420	1,
Laurens	698	640	510	386	407	
Pickens	747	15	381	212	420	
Walton	1,024	653	632	725	382	1,
Walker	1,364	230	509	759	426	
Total	9,557	4,591	5,133	5,399	4,385	7,

THIRD GROUP—TABLE IX.

Lowndes	554	660	611	355	454	
Carroll	1,471	215	562	624	562	1
Floyd	1,669	899	804	1,223	591	1
Campbell	1,083	360	539	477	601	
Cobb	1,787	606	536	1,341	613	1
Glynn	173	635	510	77	626	
Whitfield	1,303	273	657	775	651	
Troup	1,191	2,035	1,680	1,215	652	1
McIntosh	164	713	446	135	664	
Cass	1,976	682	754	1,484	668	1
Wilkinson	918	859	842	583	684	
Total	12,289	7,928	7,941	8,289	6,766	1(

ANALYSIS.

TABLE X.

Twiggs	557	1,044	1,128	261	759
Jefferson	689	1,273	1,052	428	765
Upson	819	810	728	785	776
Macon	641	1,419	1,067	633	786
Meriwether	997	1,269	1,120	728	821
Spalding	857	832	670	801	871
Harris	1,140	1,274	1,035	975	872
Newton	1,319	998	1,101	988	923
Putnam	569	1,174	1,082	467	951
Monroe	1,207	1,750	1,346	1,314	972
Coweta	1,347	1,314	1,126	1,021	991
Total	9,942	13,166	11,455	8,451	9,487

TABLE XI.

Counties.	Registered voters.		Vote for governor.		Vote for President.	
	White.	Colored.	Bullock.	Gordon.	Grant,	Seymour.*
n	630	1,229	1,202	455	1,046	635
in	666	1,269	996	713	1,056	719
	408	1,550	813	573	1,070	447
m	1,015	2,884	1,526	1,866	1,079	2,085
r	1,051	1,177	1,038	684	1,141	1,351
	955	1,156	1,068	836	1,186	1,197
	1,002	1,528	1,632	808	1,200	1,001
s	758	1,440	1,221	337	1,386	1,048
ee	1,145	1,955	1,640	1,170	1,621	2,153
rty	487	2,375	1,668	1,151	1,607	1,857
	802	2,601	2,122	492	1,632	931
otal	8,949	19,164	14,926	9,085	14,024	13,424

TABLE XII.

m	2,886	5,536	4,471	2,782	2,316	4,643
	3,066	2,028	1,944	2,257	2,474	2,812
	1,995	2,596	2,192	1,919	2,918	2,194
nd	2,491	3,504	3,078	1,749	3,128	2,753
	465	27	209	195		
	486	32	180	220	55	316
	563	450	382	499	247	606
	183	65	50	155	33	171
	667	649	353	781	201	835
	552	145	314	266	246	272
	249	367	300	161	302	221
otal	13,603	15,399	13,473	10,964	11,920	14,803

* Gives Grant 229; Seymour, 186.

ATLANTA, GEORGIA, *October* 23, 1871.

CY SUSAN AARON sworn and examined.

By the CHAIRMAN:

tion. What is your age, where were you born, and where do you now live?
er. I am going on thirty-two years of age; I was born in Jackson County, a, and I now live there.
tion. Are you married?
er. Yes, sir.
tion. How far do you live from Mr. Holliday's?
er. Something about two miles, I reckon.
tion. Do you recollect the night when the attack was made upon his house?
er. Yes, sir, I recollect it.
tion. Did you see any body of men in disguise that night?
er. No, sir; not that night.
tion. Did you see any before or after?
er. I saw them before.
tion. How often before?
er. I saw them once a great while before, and then I saw them twice in one ast a week before the attack was made on him.
tion. Did they ever come to your house?
er. Yes, sir.
tion. How many of them?
er. Well, I counted thirty-six, as they rode two and two abreast, as they went he gate and went off.
tion. What did they say or do when they were there?
er. I heard the noise as they came in before I got up. I said, "What's that?" n Booth said, "It is Ku-Klux." I went to the door, and said, "I reckon it is, if s any such thing." My husband was at the door, and they said, "Are you a o the Ku-Klux?" He said, "In all that's right." They said, "Who else is in and he said, "William Booth." They called out William Booth and threatened ey never took hold of him or did anything to him.
tion. What was the threat?
er. They asked him if he obeyed the notification of a few weeks before that, said that he had. They asked if he was right sure, and he said that he was, so e could carry it right. He said they had promised him three hundred licks, and lid not take the nearest way to his heart, they would double it, to him and his th.

Question. To what did they refer?

Answer. It was because he and his wife did not agree well, so it was said in the neighborhood. He was pretty bad to drink.

Question. He was at your house that night?

Answer. Yes, sir.

Question. What did he say?

Answer. He said right smart, but I cannot now recollect particularly what he did say.

Question. Did they say anything to your husband?

Answer. Yes, sir, they said some few words to him. They did not give him any threats, though.

Question. Did they say anything to Booth about his knowing who it was that sent that notice to him?

Answer. Yes, sir, they did. They said they understood he had said it was not the Ku-Klux company that put up those orders, that he had accused some of his devilish neighbor boys. They asked him whether he said that or not. He held up his right hand, and said that he would suffer that to be severed from his body if he said any such thing.

Question. It was reported that they were going to treat him in this manner, and had threatened him, because he and his wife did not get along well together?

Answer. Yes, sir; because he was drinking and laying off from home rather late at night, later than they seemed to think he ought to.

Question. And they were going to whip his wife?

Answer. They said so.

Question. Why?

Answer. Because he and she did not get along well together; they quarreled right smart, I suppose.

Question. What sort of people were Booth and his wife?

Answer. I do not know. I never heard anything against them. I do not reckon they are the smartest kind of people. They are not very smart. That is all that can be said against them. They do not harm anybody, that I know of.

Question. Do you know how Mr. Booth voted in the last election?

Answer. No, sir, I do not.

Question. So far as you understand, the Booths are harmless and inoffensive, and not very smart people?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Were you before the grand jury here?

Answer. Yes, sir.

Question. In what cases?

Answer. I was asked some questions before the grand jury that I have not been asked here.

By the CHAIRMAN:

Question. What did they ask you?

Answer. They wanted to know if I recognized anybody. I said I recognized only one, Jack Finch, and I judged about him from the position he sat on his horse.

Question. You were brought here to testify as to this man Finch, whom you supposed you saw then?

Answer. Yes, sir. I took it to be him from the way he sat on his horse; that was the only reason.

ATLANTA, GEORGIA, *October* 23, 1871.

F. M. HOLLIDAY sworn and examined.

By the CHAIRMAN:

Question. How old are you; where were you born; where do you now live, and what is your occupation?

Answer. I am about thirty-five years of age; I was born and raised in Jackson County, in this State, and I live there when I am at home; farming has been my occupation all my life.

Question. State to the committee what you know about the operations of people called Ku-Klux, in your county.

Answer. There has been a great deal of disturbance there among the citizens, both black and white; they seem to have a particular spite against the few individuals who will not take an active hand, and particularly at a brother of mine and a few others. In the first place, they took a stand against my brother for his principles on account of his speaking against the Ku-Klux. Then again he was not in favor of secession, and has always spoken against that. He tried to prevail on them not to run off his hands,

and said that he did not want to injure them, that he would rather they would let his hands alone without being made to do it, but if they did run them off he would punish them if he could.

Question. What do you know about their having molested him in any way?

Answer. Well, sir, I suppose they went there, from the signs I have seen, and that they went in on him at the hour of midnight and shot his house full of holes, and tried to mob him. Since then they have burned up his mill-house and property.

Question. When was that?

Answer. That was on Saturday; I have not seen it myself, but his miller told me so. They have burned up his mill-house, and cotton-mill, and gin-house, and all the cotton he had in there, and a portion of my cotton.

Question. You have that information from the miller?

Question. Where were you when you heard this?

Answer. Within about three or four miles of Athens.

Question. How far from your house?

Answer. About eight miles.

Question. Where were you going?

Answer. I was going to a relative of mine on some little business.

Question. Why did you come here?

Answer. To report the circumstances to my brother and his friends, and to see what had become of him. I was told that it was reported down there that he had started for this place, but had been arrested at Gainesville; and that it was stated that if he did come on here he never should get back. More than that, three of those men, Stewart McElhannon, Thomas McElhannon, and Pendergrast, told the miller that he had better go away from there or he would be killed, and his property burned up.

Question. How much property in value was destroyed?

Answer. Between $8,000 and $10,000 worth, I should think. It was as good a merchant-mill as any man could get up. Then there was a cotton-gin, with a number one iron screw, some three or four bales of cotton, some wheat that belonged to a brother-in-law of mine, some lumber, some mechanical tools, and one thing or another.

Question. How did these threats against your brother come to your knowledge?

Answer. I was there one day at the mill, and a couple of young men by the name of Jim Harvey and Green Martin came down there and attacked him about something he should have said about the Ku-Klux. He said, "I don't deny it; I sent you word not to interfere with my hands, and if you did I would put the law on you; if you run my hands off I will hurt you; just let them alone and I will not interfere with you." And they have been at him ever since.

Question. Have you ever seen these disguised men yourself?

Answer. I have not seen them in disguise, but I have heard of them all the time.

Question. Through what extent of country have you heard of them?

Answer. From the Mulberry River clean on out into Gwinnett, between here and Jackson.

Question. How many miles?

Answer. I can hear of them for some forty or fifty miles.

Question. Have you any idea, or opinion, or knowledge, as to the number of men who belong to that organization?

Answer. I cannot say; but from what I can learn from citizens around me, I suppose there are some thirty or forty, may be more, right in that settlement. I have understood, from a friend of mine, that there are either 9,000 or 19,000 Ku-Klux in Georgia. This came from a friend of mine on the Saturday before I left. It was overheard at a Ku-Klux meeting.

Question. Did some of your people meet together and pass resolutions, directly after your brother's house was attacked, which were published in the newspaper at Athens?

Answer. Yes, sir; they met and had a barbecue, from what I heard; it was common talk; and they were going to raise a petition, and get as many to sign it as they could, to put down Ku-Kluxing.

Question. Have you a copy of the paper that has those proceedings in it?

Answer. I have not, but I can get one. I think old J. J. Flournoy has it.

Question. State any other doings of theirs, any violations of law that they have been guilty of that have come to your knowledge.

Answer. From what I have heard I suppose they have been tearing up the neighbors about there, threatening hands at work for certain men. They threatened the hands of brother and drove them off last week; they all quit early Saturday morning.

Question. How long have these Ku-Klux operations been going on in your county?

Answer. They have been going on in my settlement ever since last August was twelve months.

Question. What was the first sign of them which you saw?

Answer. A parcel of youngsters got along on the road, these Finches, and Hewitts, and Harveys, and Collinses, and got into a dispute there and got into a little fight. Shortly after that Ku-Kluxing commenced right in the settlement among the hands,

and the party ran off and went to Athens. That was the first attack. Then from that they took to ordering white men, civilized people, at the dead hour of midnight, and telling them what to do or they would take them out and hickory them.

Question. How often have you heard of their riding at night?

Answer. Ten or fifteen times or more; as a general thing, once in every two weeks. Also, in the last twelve or fourteen months they have been putting up notices that they intend to make a visit at a certain time, and they always come within a day or two of the time when they had notified them they would come.

By Mr. BAYARD:

Question. You never saw any of these people yourself?

Answer. I have never seen them in disguise.

Question. All you have stated here is based upon rumor?

Answer. It is just what I have learned.

Question. The destruction of your brother's property was reported to you?

Answer. Yes, sir; by the miller.

Question. Where is he?

Answer. He is now in brother's own house, in possession of it while my brother is in Atlanta.

Question. How far from your brother's house was his mill?

Answer. Just about a quarter.

Question. He merely informed you of the destruction of the mill by fire?

Answer. Yes, sir; and he said I ought to see something about it.

Question. Have you seen your brother since he arrived in Atlanta?

Answer. Yes, sir.

Question. Has he said where he has been since he came here?

Answer. Yes, sir.

Question. Are you aware that he has been miles from town here, walking about among the people of the country?

Answer. No, sir.

Question. Your brother is safe and well?

Answer. Yes, sir.

Question. Nobody has disturbed him?

Answer. No, sir; but it was said he never should go back there any more.

Question. He is perfectly well and safe now?

Answer. Yes, sir.

By the CHAIRMAN:

Question. It was reported to the man who was living at his house, that your brother had been arrested and had not got here?

Answer. Yes, sir; or that if he had got here he never would be allowed to come back.

Question. There was no truth in those reports?

Answer. No, sir.

Question. You spoke about your brother's course on the subject of secession. What was your course during the war?

Answer. I voted the Union ticket, but they forced me out by the conscript law, and I staid in the service twelve months and a little better. I bought my way out, and then they arrested me and put me right in again. They swept me out and left me just like a freedman at the end of the war. I had only a little piece of land of about twenty acres or so.

Question. How have you been voting since the war?

Answer. Just as I did before the war, the Union ticket; and I expect to continue to do so if they kill me for it. I said in camp that my father fought for the Government, and built up a government better than any corrupt set of people could do it afterward.

Question. Yet you were compelled to fight against the flag of your country?

Answer. Yes, sir; but I never was in favor of secession.

Question. You know of nothing else in connection with this matter?

Answer. Nothing of much importance that I can recollect at this time.

ATLANTA, GEORGIA, *October* 23, 1871.

SARAH ANN STURTEVANT (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, and where you now live.

Answer. I expect I am about twenty-five or thirty years old; I was born in Walton County; and I live in that county now.

Question. Are you married?

Answer. No, sir.
Question. At what place are you living?
Answer. I am living on the place where old Mr. Reeves used to live; the same place where Charley Smith lives.
Question. Are there any people in the county called Ku-Klux?
Answer. Yes, sir.
Question. Have you ever seen them?
Answer. Yes, sir; I saw nine at our house at the time they whipped me, my brother, and sister.
Question. When was that?
Answer. It has been five weeks ago—going on six weeks now.
Question. Were they riding or walking when they came there?
Answer. They walked up to our house, but they had horses hitched over on the road, in an old field.
Question. Did they have on common clothes, or were they in disguise?
Answer. They were disguised.
Question. How were they disguised?
Answer. They had just common breeches, buttoned just as little boys wear them, and disguises over their faces—some red and some black.
Question. What did they do?
Answer. They gave me forty licks with a hickory, and kicked me once in the head, and hit me on the back of the head with a pistol.
Question. What did they do when they first came?
Answer. When they first came into the yard they came to the door, and Charley Smith ran out, and they caught him. They told him to stand, and he told them he would stand. They commenced beating him in the back with rocks and pistols and kicking him. He inquired what he had done, and they said it was no matter what he had done; that they had been going for him for a long time, and had caught him now, and were going to pay him up. They then commenced beating him with a hickory.
Question. Who is he?
Answer. He is my brother.
Question. Is he older or younger than you?
Answer. He is older—the oldest child mother has got.
Question. How came they to attack you? Just go on and tell us what they did.
Answer. I asked them what they whipped me for, and they said they had not heard I had done anything, but they wanted to give me a little shillala for fear I would sauce white women.
Question. Did they whip you over your clothes?
Answer. No, sir; they stripped them off, and fastened them around my waist.
Question. Did they whip you standing up?
Answer. No, sir; they made me sit down on the ground.
Question. What did they whip you with?
Answer. With hickories. One of them had a wagon-whip, and he whipped me with the stag; he would not whip me with the whip part.
Question. How many of them struck you?
Answer. There were nine of them, and all struck me.
Question. How many licks apiece did they give you?
Answer. They gave me five licks apiece.
Question. How many struck you with the whip?
Answer. Just one. They all had hickories but one. The one that hit me the first lick had a whip, and he hit me once and walked off, and then the others whipped me with a stick all the time.
Question. Did they hurt you much?
Answer. Yes, sir.
Question. Did they break the skin?
Answer. Yes, sir.
Question. What did they do after they got through whipping you?
Answer. They asked us if we were going to watch them. We said, "No." They said they would leave two or three wild men to see if we would watch them.
Question. Did they whip any others except you and your brother?
Answer. They whipped my brother's wife.
Question. How much did they whip her?
Answer. They gave her fifty licks.
Question. Did they whip her over her clothes?
Answer. No, sir; they made her strip them off.
Question. Did the same men whip her that whipped you?
Answer. Yes, sir.
Question. Whom did they whip first?
Answer. They whipped her first.
Question. What reason did they give for whipping any of you?

Answer. They never gave any at all; never said what they whipped us for.
Question. What time was this, in the day-time or night?
Answer. In the night.
Question. What time of night?
Answer. Betwixt 9 and 10 o'clock.
Question. Had you gone to bed?
Answer. Yes, sir.
Question. How did they get in the house?
Answer. They came there once before along in March, and my brother got away. They left word with his wife that when they came again he had better stand, for if he were betwixt hell and heaven they would get him; and if they got him they would make mince-meat of him; that if they got him they would hang him up on the first limb along the road, and no one would know who did it. And we have been expecting them ever since.
Question. Did you open the door?
Answer. My brother opened the door to get away from them; but they were all around the house, and fastened on him.
Question. How many came there the first time in March?
Answer. There were nine or ten in the yard; I do not know how many were out with the horses.
Question. Did they do anything that time?
Answer. Yes, sir; they gave me three licks, and gave my brother's wife three licks. They ran me off, and I sat out in an old field about an hour.
Question. Did they hit you as you were running, or did they hold you?
Answer. They made me stand, and said that if I ran they would shoot me down.
Question. Did they make you take off your clothes the first time?
Answer. No, sir.
Question. Where is your sister-in-law now?
Answer. She is down in the city. They let her off here to-day because she was sick, and she did not come.
Question. What is her name?
Answer. Caroline Smith.
Question. How many came to your house the last time?
Answer. I saw nine.
Question. And all of them whipped you?
Answer. Yes, sir; all but one.

By Mr. SCOFIELD:

Question. Did they attack anybody else that night in your neighborhood?
Answer. Yes, sir, Rat Stales; and there was another gentleman, but I do not know what he calls his name.
Question. What did they do to them?
Answer. They whipped them.
Question. Were they colored people?
Answer. Yes, sir.
Question. Was that all they did that night that you know of?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you know any of them?
Answer. I knew two of them.
Question. What are their names?
Answer. Mr. Samuel Rich and Mr. William Felker. Mr. Rich hit me the first lick.
Question. Where is your brother?
Answer. He is down stairs, I think.

By Mr. SCOFIELD:

Question. Did you ever see them come by the house any other night?
Answer. No, sir. Mr. Felker had my daughter hired there, and he had been drinking, and swore that he would whip me or my daughter, one, or burn my house over my head.

By Mr. BAYARD:

Question. What had Mr. Rich against you?
Answer. Nothing at all that I knew of.
Question. Had they been doing anything they were afraid you would tell of?
Answer. I reckon they had.
Question. What was it?
Answer. They had been carrying on some distilling there.
Question. Making whisky?
Answer. Yes, sir.

Question. They thought that you knew it?
Answer. Yes, sir.
Question. And they were afraid you would inform on them?
Answer. I reckon they thought I would report them.
Question. And that was why they whipped you, to keep you from telling?
Answer. Yes, sir, I reckon. They never said, but I allowed that was it.
Question. How many of them were engaged in the distilling business do you think?
Answer. I do not know but three.
Question. Had they men engaged to run off the whisky for them?
Answer. I do not know whether they had or not.
Question. How far away from your house was that still?
Answer. About a mile.
Question. Was it in the woods?
Answer. It was in a field, but it was down under the hill.
Question. Was it in a cave?
Answer. There was a cave there, so they say; I never saw the cave.
Question. Did you see the still?
Answer. Yes, sir.
Question. Did you see them making whisky?
Answer. Yes, sir.
Question. Did they know you saw it?
Answer. Yes, sir. I had to go there to get meal away along in March.
Question. They were using corn-meal to make whisky of?
Answer. Yes, sir.
Question. Did you ever report them?
Answer. No, sir.
Question. Were you brought before the grand jury here?
Answer. Yes, sir.
Question. Did you give your testimony before them?
Answer. Yes, sir.
Question. Did you report against them for whipping, or for distilling?
Answer. For whipping.
Question. Were you asked anything about distilling?
Answer. No, sir.
Question. It was not on that account you were summoned?
Answer. No, sir.
Question. You were summoned at this term of the court?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 23, 1871.

LETTY MILLS (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I am going on thirty years old. I was born in Walton County, about fourteen miles from Decatur. I was living in Walton County, but the Ku-Klux ran us up here.
Question. The Ku-Klux ran you away from Walton?
Answer. Yes, sir.
Question. When was that?
Answer. On the 19th of March.
Question. Tell us all about that.
Answer. They broke in on us one night when we were abed. I heard them and waked us, my husband, and told him that I knew there were Ku-Klux coming. He said hey were not, but some one going turkey-hunting; I said they were Ku-Klux. After while they knocked at the door and told us twice to open the door. Gus made a boy we had hired get up and open the door and let them in. Felker came in and told the boy Tobe to strike a light. He struck a match and lit the light-wood, and made a light. He told Tobe to pull off his clothes, and he made Gus get up and pull off his clothes. Then he came back and told me to strip off. He made us get down on our knees and he gave us a good beating. He made Gus stretch out on the floor, and he gave him a good beating. He went around and struck us on the head with a pistol, and I never have been right in my head again. My little girl began to cry, and he went to her and told her that if she did not hush he would mash her.
Question. How old was your girl?
Answer. Four years old.

Question. Had you any children younger than that?
Answer. I have one going on two years now and a baby.
Question. Where was the baby?
Answer. It was lying in the bed; it never waked.
Question. Was it in the house that they whipped you?
Answer. Yes, sir, they came in and shut the door, five of them.
Question. You say they told you to come out?
Answer. Well, we were in a room, and Mr. Felker stood by the door and made us come out one by one, and pull off our clothes; and then he stood at the door of the house to prevent us from going out. I never offered to do it, but I reckon they thought we would do so.
Question. Did they make you strip off your clothes?
Answer. They made me pull off down to the waist, and they made the men-folk strip off their shirts and then pull down their breeches.
Question. What did they do to your husband?
Answer. They made him go down on his knees, and then they made him stretch out on the floor.
Question. How old was the boy you had hired?
Answer. He was about sixteen, a young strip of a boy we had hired to help us work.
Question. How many blows did they give you?
Answer. There were four of them whipped us; I did not know any but Mr. Felker; when he gave orders they would move, and I knew he was the head one in the Ku-Kluxing business.
Question. How many blows apiece did they give you?
Answer. They whipped us all around with hickories, I do not know how many licks, and then they struck us with pistols.
Question. Did they give you five blows, or fifty blows?
Answer. I never paid any attention to the number of licks; as quick as one would get done beating another would fall in and beat us.

By Mr. SCOFIELD:

Question. Did they have on any disguise?
Answer. Yes, sir; all of them had on white dresses but Mr. Felker; he had on a disguise, but his clothes were the same he had on all day; for I had been to his store, and I knew his voice and his clothes, but I was afraid to say anything.

By the CHAIRMAN:

Question. Did he have a store?
Answer. Yes, sir; he had a store where we traded.
Question. How far did you live from his store?
Answer. I can hardly tell you how far; about two hundred yards, I reckon.
Question. What did he say he was whipping you that way for?
Answer. He never said, or, if he did, I did not hear it.
Question. Do you know what he whipped you for?
Answer. No, sir.
Question. Was your husband owing him anything?
Answer. Yes, sir. He had been over to the store that evening and carried over some pigs. Mr. Felker was distilling; Gus carried him the pigs, and asked for a box to carry the pigs to the still-house.
Question. Had your husband been making a crop there?
Answer. He was breaking up ground there, fixing to plant cotton and corn.
Question. Did they say anything to you about leaving and going away from there?
Answer. No, sir, I believe not; they did not to me.
Question. Did they to your husband?
Answer. He says they told him to stay right there on the farm, and not say anything about the whipping; for if he did, swinging would be his portion next.
Question. How could they have said it to him without your hearing it?
Answer. After they had got done whipping him they carried him out and made him let down the fence for them to go out; and they told him to keep still. He was gone about an hour before he got back.
Question. Where is your husband?
Answer. In Atlanta.
Question. What is his name?
Answer. Gus Mills.
Question. Do you know of any other people they disturbed?
Answer. Yes, sir; they whipped lots there that night before they got to our house; when they got through with us day was breaking, and they left us.
Question. What others did they whip?
Answer. They whipped this woman that came in here; they whipped Jack Benafield.
Question. How far did you live from Sarah Ann Sturtevant?

Answer. About two miles, I reckon.
Question. Had there ever been any difficulty between you and Mr. Felker?
Answer. No, sir.
Question. There has been no disturbance of any kind?
Answer. No, sir; we never had any such thing with the white folks; we always had what we wanted at his store.
Question. How long after they came to your house did you stay there?
Answer. I staid there four weeks; Gus came away as soon as day, right away.
Question. Did any of them come to see you after he was gone?
Answer. No, sir; I moved out of the house there.
Question. Have you seen Felker, from that day to this?
Answer. Yes, sir, I saw him here the other day; they had him up here.
Question. Did you have any talk with him?
Answer. No, sir.
Question. Did you speak to him in Walton, before you left there?
Answer. No, sir; I never said anything to him any way.

By Mr. BAYARD:

Question. You say you recognized William Felker?
Answer. Yes, sir.
Question. Was he disguised?
Answer. He just had his face disguised.
Question. He keeps a store there in the neighborhood?
Answer. Yes, sir.
Question. Is he distilling liquor?
Answer. Yes, sir; he was all the time.
Question. Was he afraid of the revenue officers?
Answer. I never heard him say; he was distilling all the time.
Question. Was he distilling without a license?
Answer. I do not know whether he had a license or not.
Question. Was his still in a secret place?
Answer. Yes, sir.
Question. Was he afraid you would inform on him?
Answer. I suppose he came around to see if I expressed my opinion about what I would do.
Question. You say you saw him here?
Answer. Yes, sir.
Question. Were you summoned before the grand jury as a witness to testify?
Answer. Yes, sir.
Question. Was it about his still that you testified?
Answer. I did not, but Gus did.
Question. Were you examined as a witness about this whipping which you have lescribed?
Answer. Yes, sir.
Question. Do you know Judge Caldwell?
Answer. No, sir.
Question. Do you know Mr. Pope, the district attorney?
Answer. No, sir.
Question. You do not know who examined you?
Answer. No, sir.
Question. You only went before the grand jury and made a statement there?
Answer. That is all.
Question. Did you tell the grand jury what you have told us?
Answer. All but the distilling.
Question. Was Mr. Felker arrested?
Answer. Yes, sir; and they brought him up here.
Question. Did you see him brought up?
Answer. Yes, sir.
Question. Did you see him when he first came here?
Answer. Yes, sir.
Question. Was he hand-cuffed?
Answer. No, sir; not when I saw the bailiff march him up in the court-house.
Question. How many men did you see there?
Answer. Five.
Question. Did you ever see any disguised men except at that time?
Answer. No, sir.
Question. That was the only time you ever saw any?
Answer. Yes, sir.
Question. And all the rest that you have told us is mere talk in your neighborhood?
Answer. Yes, sir.

By the CHAIRMAN:

Question. What made you think they were Ku-Klux when you heard them coming up?

Answer. We [illegible]ere had been so much talk of Ku-Klux about there that I had been expecting them. We had heard of their going about so much that I said they would come down on us next.

Question. How long had they been going about through the country?

Answer. Last year and year before I heard of them.

Question. What did you hear of their doing?

Answer. I heard of their shaking hands with people, and then leaving their hands in folks's hands; I heard of their drinking water, and of their going in and telling about their bursting out of tombs and rising from the dead. I kept feeling afraid all the time of the Ku-Klux. Every noise I would hear in the night, after they had begun to get near, I would fear they were coming in on us.

Question. Did you ever hear of their whipping before?

Answer. Yes, sir; and killing, too.

Question. Your husband is here?

Answer. Yes, sir.

Question. You have told us all you know about this?

Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 23, 1871.

AUGUSTUS MILLS (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?

Answer. I was thirty-three years old on the 10th day of last March; I was born in Gwinnett County; I have been living in Walton County for five years and better.

Question. When did you leave Walton County?

Answer. On the 20th of last March.

Question. Why did you leave there?

Answer. The Ku-Klux ran afoul of me on the 19th, and I left on the 20th.

Question. Tell us about their coming on you, what they did, at what time it was, and whether they were disguised; and if so, how.

Answer. They came on me, well, you may say it was on the 20th, for it was in the morning, about 4 o'clock. I was asleep when they came there, and my wife awakened me and said, "Wake up, Gus, there is somebody around the house." I said, "No, I reckon not," just that way. She said, "Yes, there is." That got me waked, and I heard them. I said, "They are some of our settlement boys going turkey-hunting." She said, "No, they are Ku-Klux." I said, "No, I reckon not." As I said that they hollered, "Open the door." I said, "Who's there?" They said, "Never mind; open the door." I said to Tobe, (Tobe is a boy I had hired,) "Tobe, get up and open the door." He got up and opened the door, but when he opened the door they bulged right in—five of them—and ordered him to make a light. They did not have any matches and he went to kindle up a fire in the fire-place, and they lit on him. Then William Felker bulged to the door with his pistol in his hand, and ordered me to lie still until the light was kindled. When the light was kindled up, he said, "Now, get up." I told him that I had been sick, that I had been chilling. He said, "Get up; we will cure you of chills; you never will have any more." I got up and went out into the room. He went back then and ordered my wife to get up. He made us all get down and pull off our clothes; and then he whipped us. He gave me between twenty-five and thirty licks, as near as I can recollect; I did not count them. He gave my wife pretty near that much, and he gave Tobe about the same. And he struck us over the head with a pistol. My little girl cried, and he drew his pistol over her, and told her if she did not hush he would smash her.

Question. How many children had you?

Answer. Four.

Question. Were they all there?

Answer. Yes, sir.

Question. How old were they?

Answer. One was six years, and one was four years old, and one was two years old; and then the other is a little better than a year old now; it was not a year old then though.

Question. Was your wife suckling it at the time?

Answer. Yes, sir.

Question. At the time she was whipped?

Answer. Yes, sir.

Question. After they had whipped you, what did they do then?

Answer. They told me to shut the door when they started out of the house. Another one said, "No; come and let us out of the plantation." I had my shirt off—only my drawers on—and I said, "Let me put my shirt on, if you please." They said, "Never mind your shirt; come on." I had my shirt in my hand as I started, and I put it on as I went along. I went out where they had hitched their horses, about seventy-five yards from the house. I let down a gap, and let them out of the plantation. They told me to go back to a little lane we passed through, and when I got there to hollo. I did so, and then I went back to my house, and put on my clothes. It was pretty nearly day-light then; it was light enough for me to see the horses, and to know one of them. I then went to Jack Benafield's, and he and I went to track the horses; and we tracked Felker's mare right to the stable-door.

Question. You knew his horse?

Answer. Yes, sir.

Question. Did you know the others?

Answer. No, sir.

Question. Did you know most of the horses in the neighborhood round about there?

Answer. I knew a great many of them around there.

Question. Did you know all the people there?

Answer. I knew a great many of them; but I only knew William Felker of those that came in on me.

Question. Did you suppose that the rest of them were people from the neighborhood, or that they were strangers?

Answer. Some of them had come from some distance off. One of them, I think, was his clerk; but I cannot say positively as to that.

Question. How many were there, all told, when you got out to where the horses were?

Answer. There were five.

Question. Were there only five?

Answer. That was all I saw; and that was the same number I let out of the plantation.

Question. Were there five horses?

Answer. Yes, sir. They asked me if I knew anything about any distilling going on; they questioned me powerfully about distilling. I told them it seemed to me that William Felker was running a still.

Question. What did they say then?

Answer. They asked me if there was a chance for them to find it; and I told them that I did not know; that they might find it if they would hunt for it. They asked me if Felker kept whisky about his store, and I told them that I had drank some there, but I did not know that he kept it there often.

Question. When did you leave there?

Answer. I left there on the 20th of March.

Question. How long after you had let them out of the plantation?

Answer. I left that evening.

Question. Were you much injured by the whipping?

Answer. I was whipped pretty bad; I have got some scars on me now that I will tote to my grave.

Question. How had you voted in the election?

Answer. I voted the radical ticket?

Question. Was Felker a radical, too?

Answer. I cannot tell you that; I never heard him talk about whether he was or not.

Question. Had you always voted the radical ticket?

Answer. That was all the sort ever I voted.

Question. Do you know of their molesting anybody else besides you?

Answer. Yes, sir; there are some here that the same crowd troubled; so they told me.

Question. How long had you heard of the Ku-Klux before that time?

Answer. We had heard some talk of them some time before that; but, at the same time, I was not thinking of their running in on us.

Question. What had they been doing before that time?

Answer. They had been whipping some below us there.

By Mr. BAYARD:

Question. Did you see any of them before they came in on you?

Answer. No, sir; those were the first I ever saw.

Question. And they were the only ones you ever saw?

Answer. Yes, sir.

Question. Those five?

Answer. They were the only ones.

Question. You say they asked you about distilling?

Answer. Yes, sir.

Question. Have you been before the grand jury as a witness?
Answer. Yes, sir.
Question. Against William Felker?
Answer. Yes, sir.
Question. Did you testify about his distilling?
Answer. Yes, sir.
Question. And about his whipping you?
Answer. Yes, sir.
Question. Those are the two charges against him; the one that he kept a still and made whisky, and the other that he whipped people?
Answer. I reported him when I first came to Atlanta.
Question. Did you inform on him right away, as soon as you got there?
Answer. Yes, sir.
Question. To whom did you go?
Answer. To Mr. Bullock.
Question. To the governor?
Answer. Yes, sir.
Question. Did you state to him about the distilling?
Answer. Yes, sir, and about his whipping me.
Question. How long had you known about this illicit distilling before they came to your house?
Answer. Some time.
Question. How far from your house was this still?
Answer. About two miles.
Question. Was it in a secret place?
Answer. Yes, sir.
Question. Had you ever informed on him before about the distilling business?
Answer. I had passed by there.
Question. Had you ever told anybody about it?
Answer. No, sir, not there I had not; I told when I came to Atlanta.
Question. You reported on him as soon as you came here?
Answer. Yes, sir.
Question. Did they whip you because they feared you would report or had reported them?
Answer. Well, they did not tell me what they whipped me for.
Question. Did they ask you about distilling?
Answer. No, sir.
Question. I understood you to say they asked you.
Answer. That was when they made me go from my house to let them out of the plantation.
Question. That was on the same night when they whipped you?
Answer. Yes, sir; but it was after they had whipped me.
Question. You have not seen them since?
Answer. No, sir.

By the CHAIRMAN:

Question. Have you seen Mr. Felker since?
Answer. I saw him here the other day.
Question. Have they done anything with him, or have they let him go?
Answer. I understood they had let him go.

By Mr. BAYARD:

Question. Was he arrested?
Answer. I suppose he was; he passed by me here a week ago, and would not look at me.
Question. Where do you live now?
Answer. Here, in Atlanta.
Question. Have you been working here?
Answer. Yes, sir, all the time I was able; I have been sick some.
Question. You know that Felker was arrested and brought up here by the marshal?
Answer. I understood he was.
Question. Do you know anything about whether he has been discharged or not?
Answer. I cannot tell about that.

ATLANTA, GEORGIA, *October* 23, 1871.

CHARLES LITTLE (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you live?

Answer. I am between sixty and seventy years old; I was born in Jackson County, and I now live in Haralson County, above Buchanan, on the Tallapoosa River.

Question. Do you know anything about the killing of John Walthall?

Answer. Yes, sir; I was right there.

Question. Tell these gentlemen all about it.

Answer. Well, when a man inquires of me for the truth I will tell it as sure as I am living, because I have got to die, and I belong to the church at that; I will not tell a lie for mortal man. They came to my house first. I could not hear, but my wife heard them, and she said, "Charley, somebody says, 'Get up and open the door.'" There are two doors to the house. I got up and kindled a light, or I got a splinter and commenced kindling up a light, when one of them said to me, with his head down to me, "You damned old son of a bitch," and put a double-barreled shot-gun against my head, and said, "Come along; I can make you hear and see, too." I said, "I am not going to run away; I will go 'long with you." He said, "Where is John Walthall?" I said, "I expect he is at home." He said, "Come on." Then they carried me over two fences, and rather hurt me, but I thought I would put up with it, if they did not do any more than that. They went by Carter's, and both doors were thrown down, and his wife was sitting up in the middle of the bed; that astonished me. I went up to John's; and they beat John's wife over the head, jerking her about. She said, "I don't know where my husband is." They said, "You don't?" and jerked her, and said, "Tell where he is." She said, "I don't know where he is." At last a man said, "He is under the floor." There was a little garden at the corner of the house. I was standing outside of the garden, looking through the paling. They shot him under the house just right down with a rifle; then they jerked him out from under the house. The men that held me said, "Come, let's go around." I did not want to see any more, because I did not know what they would do with me. He hollered, "O, Lord! O, Lord!" Massa, it made me have awful feelings to see a man murdering a man that way. The man had a five or six-shooter, I do not know which, and I saw the wheel turn by the light. Then one or two more came in with a whip, or something, and they beat him. After a while they said something to each other. But they talked so, and had such things on, that no mortal man could tell who they were; it scared me pretty nigh to death.

Question. What did they have on?

Answer. God knows what it was; something like a feather, and over the face there was something, so you could not tell who they were. They then took me by the arm and carried me through the garden, and stopped at a house, and said to me, "You go in there." I went in and they said, "You sit down there;" they told me that twice. I sat there, and while I was sitting there, somebody jabbed against the side of the house. I did not know what they meant. After a while I went to my house; my wife was crying; I said, "What have they been doing down here?" She touched me with her elbow, and said, "Hush," and she never told me until morning. Then she said, "Look at my shoulder; see how they beat me." Well, I did not know what to say; I said, "We have to take it; we cannot help ourselves any way." They beat both of her daughters, my step-daughters, though they go by my name; they beat both of them, and another one with them. We said nothing; I was even afeared to go away to the fields from my wife. I was in dread in the fields, and I am to this day; that is only the truth.

Question. How many were there in the crowd?

Answer. I saw six to my certain knowledge, and there were two who ran, but I do not know what made them run.

Question. Did that leave only four?

Answer. That left six; there were eight in the first place.

Question. Were they riding or walking?

Answer. They were all walking; I suppose their horses were out somewhere. When they came to the house they came afoot, through the lot. I did not know who they were or where they were from.

Question. Did you know any of them?

Answer. No, sir; I could not tell a thing about them, only just the beating and shooting; that is all I can say.

Question. Did they whip your wife?

Answer. Yes, sir; I started from home, and she said, "If you are going to leave home I will leave the house." She was in the family-way.

Question. How far gone was she?

Answer. This was done last spring, and she had a child on the 8th day of September.

They did this along about when you first commence plowing over the corn, and she had a baby on the 8th of September past.

By Mr. BAYARD:

Question. Had you ever seen any of these disguised men before?

Answer. No, sir, not that I know of before that night. That is the first time I saw them; I had heard talk of them.

Question. Have you ever seen them since?

Answer. Have I seen other men disguised since?

Question. Yes.

Answer. No, sir.

Question. That was the only time you ever saw them disguised?

Answer. Yes, sir; the first and the last.

Question. You say there were eight altogether?

Answer. Yes, sir; there must have been eight; I am certain of six.

Question. How long had you known John Walthall?

Answer. I heard talk of John Walthall a long time; I was no great ways acquainted with the man; just passing and repassing.

Question. Did you know anything about John Walthall's having run after any white woman in your neighborhood?

Answer. No, sir; I do not know anything more of that than the dead.

Question. Had you been told of it?

Answer. I heard folks talk; it might have been so and it might not.

Question. You heard folks talking about it?

Answer. I heard such talk; that was all.

Question. You did not know anything about it yourself?

Answer. No, sir; my old massa always told me that what you hear other folks say never put that down for granted.

Question. But you had been informed that John Walthall had been running after some white woman?

Answer. Oh, yes, sir; they said that, but I cannot say he did it.

Question. Was that the report that was about there?

Answer. So they say; that was all; I cannot say, because I do not know anything about it. I am that kind of man that what I hear, if it is not about me, I never pay any attention to it.

Question. How long have you been deaf?

Answer. My mother was that way before me, and all the children too.

ATLANTA, GEORGIA, *October* 23, 1871.

JASPER CARTER (colored) sworn and examined:

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?

Answer. I am going on twenty-five years old; I was born in Carroll County, and I now live in Haralson County, at Mr. Wyatt Williams's place, about five miles from Buchanan.

Question. Do you recollect about John Walthall being killed?

Answer. Yes, sir; I do.

Question. Tell us what you know about that, and who did it.

Answer. It was done on a Monday night, along in corn-planting time. I do not know exactly what night or what day of the month it was.

Question. Was it last corn-planting time?

Answer. Yes, sir; they all came to my house first, and knocked the doors down, and came in, and hollered to me to kindle up a light. I got up to kindle up a light, but, before I could get to the fire-place, they knocked both doors down, and came in with pistols and guns, and drawed them on each side of me. One had one right at my head. They struck me above the eye with a pistol; the scar is here yet. They asked me if I was John Walthall. I said, "No, sir." They said, "Where is he?" I said, "Up to the other house," which was about fifty yards off. They said I had to go with them up there. One had hold of my arm, one had hold of my clothes, and another had hold of my shirt. We went up there. John Walthall, when he heard them knocking the doors down at my house, raised up a plank, went under the house, aiming to get out at the back end of the house. But he got under the house, and got fastened there. They ran around the house and knocked his doors down, went in there, jerked his wife out of bed, and beat, and knocked, and stamped her about on the floor, and beat her over the head with guns and pistols. There is a great scar on the back of her head half as big as the palm of my hand. She was scared; she did not know he had got out of

bed until they came there; she did not know where he was. They had a great big light, and were looking about in the house; they jerked up a plank, and happened to get a glimpse of his shirt, or something white. They ran out into the garden, and jerked up a plank there, and one of them had a little rifle, and ran it down close to him, and shot him through the small part of the back. After they shot him they pulled him out and hit him three hundred licks, and made her hug him; and then they beat them both; they beat their heads together. They beat them with a great big stick, and with their fists.

Question. Did they beat them while he was standing up or lying down?

Answer. He was just sitting up. They shot him, and then they dragged him out from under the house. They would stand on each side of him, and one of them would knock him nearly over, and the man on the other side would knock him back.

Question. What did they knock him with?

Answer. With their fists and with sticks.

Question. That was out of doors?

Answer. Yes, sir; right at the hind end of the house.

Question. How had his wife got out there?

Answer. They made her take a light and carry it out there; and then some of them held the light, and made her hug him, and then they beat them both. They had a great big light out there; you could see to pick up a pin out there.

Question. Did they leave them both there?

Answer. Yes, sir; they beat them both there, knocked, and kicked, and stamped them about just as long as they wanted to, and then went off and left them there.

Question. Was anybody else in the house but John Walthall and his wife?

Answer. No, sir; they were just newly married, and lived off by themselves.

Question. How long had they been married?

Answer. Not more than three months, I reckon.

Question. Had they been married the Christmas before?

Answer. They were married Christmas, and that was corn-planting time.

Question. What did they do with you?

Answer. After they beat him and shot him, and beat her and him as much as they wanted to, they took me, I reckon, about a quarter from the house, and whipped me. They made so much fuss at the house that I heard them say, as they went on, that they were afraid to whip me at the house, and made me go on about a quarter from the house. One stood on my head, and the others beat me. After they had all done beating me as much as they wanted to, one of them made some of the rest go and stand on my head, and let him beat me.

Question. How did they stand on your head?

Answer. They had me laying right plumb down on my face.

Question. Along on the ground?

Answer. Yes, sir; just stretched out flat on the ground.

Question. And the man stood on your head?

Answer. Yes, sir.

Question. Did they whip you over your clothes?

Answer. They just took and pulled my shirt out from under my pants, and then pulled my pants down and beat me. There are welts on my back now, if I make no mistake, as big as your finger, and as black as a man's hat.

Question. How many blows did they strike you?

Answer. They hit me one hundred and fifty.

Question. Did you know any of them?

Answer. I knowed some of them.

Question. Who stood on your head?

Answer. William Finch.

Question. How many blows did he strike you?

Answer. He struck me twenty-five licks.

Question. Why did they stand on your head?

Answer. I do not know; just for meanness; that is all I could find out.

Question. Were you trying to break away?

Answer. No, sir; I was perfectly still, and never tried to get away, because I knowed I was overpowered, and had no chance to get away.

Question. How many were there, all told?

Answer. There were about twenty-six of them.

Question. Were they on foot or on horseback?

Answer. They were all mounted.

Question. How many did you know?

Answer. I never knowed but six; they never carried me to their horses; they carried me within just about one hundred yards of their horses.

Question. Who were the six that you knew?

Answer. William Finch, Jack Lester, Mr. Booker, Mr. Riddle, Mr. Murphy, and Mr. Monroe.

Question. Did they live in the neighborhood?

Answer. Yes, sir.

Question. How was it about the others that you did not know?

Answer. I do not know where they lived at. There were some who came there, and when this man was shot they said, "What did you let them shoot for?" I do not think they knew they were going to shoot him, for some of them said, "I didn't know they were going to shoot until the gun was fired." Then some of them broke and went off, and did not come back any more. When they carried me away from the house to whip me, I saw them standing in the road this side of where the horses were.

Question. Do you suppose they all lived in the neighborhood there?

Answer. I think they all lived around there in the neighborhood.

Question. Did they leave you where they whipped you?

Answer. Yes, sir; right there.

Question. So far as you know, what did they whip you for?

Answer. I do not know anything, only just this: this man that I lived with a year and a half told me that he would give me money enough to buy me a horse when he went to Rome. He would not pay me anything at all; I never got anything from him. I lived with him a year and six months, and then I just got mad and quit. After I quit there, I kept hearing that the first thing I knowed the Ku-Klux would be after me. I said, "What for?" They said, "Because you wouldn't work on there like you set in to." I said, "I worked on and didn't get any pay from him, and I quit." That was all I could find out.

Question. Have you ever been paid anything?

Answer. No, sir.

Question. Have you asked him for it?

Answer. Yes, sir.

Question. What did he say?

Answer. He said that he did not owe me anything, because I would not work on. Last year I never hired to him but for six months, and he wanted me to work for a year.

Question. And because you did not work for a year he claimed that there was nothing due you?

Answer. Yes, sir.

Question. Do you know what they beat Walthall's wife for?

Answer. No, sir; I could not find out what they beat her for. I talked to old master about it. He said he raised her from a little bit of a girl, and he never knew anything against her in his life, and nobody could fetch up anything against her of harm.

Question. Do you know what they attacked John Walthall for?

Answer. No, sir; well, only this that I heard them say that night. They said that night that he was always running after women, and asked him when he thought he would sleep with another white woman. He told them that night that he never slept with any. They said, "God damn you, you are a liar;" and then they just knocked him plumb over nearly, and then the man on the other side would knock him back again. His head was beat all to pieces nearly.

Question. How long did he live?

Answer. That was 10 or 11 o'clock on Monday night, and he lived until Tuesday night about sundown.

Question. Was any attempt ever made to find out who had done this, or to punish them in any way?

Answer. No, sir.

Question. Nobody was ever taken up or tried for it?

Answer. No, sir; his wife's master said that he would have it done, but he never had it done.

Question. Were the men you saw there and knew men of property?

Answer. Some are, and some are not; some of them are well off.

Question. How had you and John voted in the election?

Answer. We voted the Union ticket.

Question. What ticket had these men voted that you saw there?

Answer. They all voted another ticket altogether; they voted right the other way.

Question. How long was this after the election of last fall?

Answer. Well, I do not know for certain; I like to tell the truth about it, but I do not know for certain how long it was after the election. I know it was not a great while after the election.

Question. Had you and John both voted at the elections?

Answer. Yes, sir.

Question. And had old Uncle Charley who was examined here?

Answer. Yes, sir; all had voted.

Question. What did you do when they left you, after they had whipped you?

Answer. I staid there until they all got off, and then I got back to the house and got some camphor and salt and water, or my wife did, and washed my back in it.

Question. How long before you got well, so as to be about again?

Answer. It was over a week before I did a bit of work for Mr. Williams.
Question. How long before Walthall's wife got well?
Answer. It was two months before she got well.
Question. Where does she live now?
Answer. She lives at Mr. Williams's mill, right there, as far as from here to the bridge, [referring to a bridge over the railroad, close to the building in which the committee were sitting,] or a little farther, from where it was done.

By Mr. BAYARD:
Question. Tilda Walthall was the wife of John Walthall?
Answer. Yes, sir.
Question. Do you know Rena Little?
Answer. Yes, sir.
Question. And Letty Little?
Answer. Yes, sir.
Question. Mary Carter is your wife?
Answer. Yes, sir.
Question. Do you know one they call old Uncle Charley?
Answer. Yes, sir.
Question. Do you know Hester Goggin?
Answer. Yes, sir.
Question. Do you know that they have all been examined here before this committee about these things?
Answer. Yes, sir.
Question. Have you been before the grand jury here?
Answer. Yes, sir.
Question. You were summoned to testify before them?
Answer. Yes, sir.
Question. Did you testify there to all that you have testified to here?
Answer. Yes, sir.
Question. You saw old Uncle Charley Little the same night that they beat you?
Answer. Yes, sir; he and I were standing right together.
Question. How many men did you say were there disguised and engaged in this business?
Answer. I think there were twenty-five anyhow, if not more.
Question. Did you count them?
Answer. No, sir; I just saw them in big droves; when this shooting was done some ran off.
Question. Had you ever seen any of these disguised men before?
Answer. Yes, sir; I saw some at the mill that very evening.
Question. How long before this was done?
Answer. On Monday evening, and this shooting and whipping was done on the same night.
Question. You saw them that same day?
Answer. Yes, sir; I saw them at the mill.
Question. How many did you see at the mill?
Answer. There were three at the mill; and those three I saw that day at the mill were with the crowd that night.
Question. When did you hire out—at Christmas time, or about the first of the year?
Answer. Yes, sir; just directly after Christmas.
Question. What is the custom—to hire hands for the year or the season?
Answer. Yes, sir.
Question. Is it to hire them from one New Year to another?
Answer. Yes, sir.
Question. With whom did you hire for the last year? You say you quit in the middle of the crop.
Answer. I quit when the crop was laid by.
Question. What was the condition of the crop then?
Answer. They were all laid by.
Question. What were the crops?
Answer. Just corn; I never planted any cotton.
Question. Was the corn gathered in July?
Answer. No, sir; I did not stay there to gather the crop. The first year I worked all the year.
Question. You went away about the 1st of July?
Answer. Yes, sir.
Question. And your employer wanted you to stay until the 1st of January following?
Answer. Yes, sir. I only set in until the crop was laid by, and then I was to quit,

for I wanted to go to school some; there was a school going on close by. But they said that if I went to school they were going to hang me.

Question. Who told you that?

Answer. Mr. Monroe.

Question. How long had you known John Walthall?

Answer. I do not know for certain how many years. I have been knowing him a great many years. I knew him a right smart while before I was grown.

Question. Had you heard about John running after some white women in the neighborhood?

Answer. I had not heard anything about it until then.

Question. Had you not heard him accused of that?

Answer. I had heard him accused of it; but the reason I thought they accused him was this: He worked with Monroe's son-in-law. One day when he was working with him he said he did not put in full time. I never heard anybody say anything about running after women only Monroe and his son-in-law; I never heard anybody accuse him of any such thing. Mr. Williams said he worked with him, and he never found anything amiss in him. I was telling him about what I heard them say that night when they came there.

By the CHAIRMAN:

Question. I understand from your testimony that last year you worked with Monroe until July?

Answer. Yes, sir, the last year I worked with him; I worked with him a year and a half.

Question. And he paid you nothing?

Answer. No, sir.

Question. And you then left him to go to school?

Answer. Yes, sir.

Question. What did he say about your going to school?

Answer. He said that if I went off to school with the other negroes, the first thing I knew the Ku-Klux would have me. I never went.

Question. You did not go to school?

Answer. No, sir; I was afeared.

Question. Did the Ku-Klux disturb those who did go to school?

Answer. Some of them they have.

Question. How?

Answer. They got after my brother; I know that. They took him off and told him to stay at home, and not go any more, and to serve the master and mistress, and to do everything that white people told him to do; that he was not free yet, and should not vote for such and such a man. He had been working some for Mr. Wyatt Williams; they talked about that.

Question. How many colored people went to school?

Answer. I do not know; there was a great many. There were only two families that did go that they bothered; they were two brothers, and another man named Joe Ray; they beat him, and whipped his wife and daughter.

Question. You never have heard anybody make any complaint against Walthall, except this Monroe and his son-in-law?

Answer. No, sir.

Question. And they fell out with him something about his working there?

Answer. Yes, sir.

Question. Did you ever hear anybody make any complaint against Walthall's wife?

Answer. No, sir; I never did hear anybody say anything at all against her. I talked with her old master who raised her, and he said he never heard anything amiss of her at all; that he raised her himself, and knew her, and nobody could fetch up a thing against her.

Question. Did they molest your family?

Answer. They struck my wife on the head with a pistol or gun, and they kicked her and tried to make her tell whether I had a pistol or not the night they came there.

Question. Was any one of these men you speak of being there a justice of the peace?

Answer. No, sir; I do not think he was.

Question. You say some of them are men of a great deal of property?

Answer. Yes, sir.

Question. And some of them are very trifling characters?

Answer. Yes, sir. Some of them are tolerably well off; one has got a mill and right smart of property; some of them are not much better off than I am, and I call myself powerful low down.

By Mr. BAYARD:

Question. Are you sure you recognized these men through their disguises?

Answer. Yes, sir.

Question. How did you recognize them?

Answer. I will tell you. When this man was shot there was a great big light out there, and they raised up their veils from their faces to see where this man was shot.

By the CHAIRMAN:

Question. So that you could see their faces?

Answer. That gave me a good chance to see their faces.

Question. Were they people you have always known?

Answer. I have known them a long time. And my brother-in-law followed four of them home there not long ago. They said they would come after me again if I did not leave Mr. Wyatt Williams's.

Question. Who is your brother-in-law?

Answer. James Battle. They went after my brother, and he broke and ran off into the woods. They told my sister to call him back, and she said she hollered; and he said that if they had more business with him than he had with them, they could come out there. He ran along into a little patch of woods, and then stopped.

Question. How long have you heard of Ku-Klux in that part of the country?

Answer. They commenced along last year.

Question. What have they been doing?

Answer. Whipping and slashing people there. I never heard of their killing anybody, until they came along and killed this man. They have just got the people about there so that half of them are afraid to stay in their houses. I have not staid in my house one night, as I ought to, since corn-planting, more than I am there now.

Question. Where do you stay?

Answer. I stay out in the woods.

Question. Do you go about in the day-time?

Answer. I go on and do my work in the day-time, and on Sunday I knock about. If I get a chance to get home and get something to eat before dark, I do it; if not, I go into the woods without it and go to sleep. As for my wife and children, I do not know how they are getting on; I cannot tell anything about it.

Question. How many colored people are in that condition?

Answer. A great many of them; my brother, for one, George Carter; my brother-in-law; and another colored man there, Joe Ray; they are just afraid to stay in their houses when night comes.

ATLANTA, GEORGIA, *October* 23, 1871.

TODDY KINNEY (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, residence, and where you were born.

Answer. I will soon be twenty-five years old; twenty-five on the 12th of March next. I was born in Jackson County, and I live there now.

Question. When did you come from there?

Answer. I started away from there yesterday morning was a week ago.

Question. What do you know about any people in the county that are called Ku-Klux?

Answer. Well, sir, I do not know much about them; I have seen some that they call Ku-Klux; I do not know whether they were Ku-Klux or not.

Question. Tell us what you saw and heard about them.

Answer. What I saw was this: The evening they went to Mr. Holliday's I saw Jim Finch go down to Mr. Martin's plantation and get his boys and go off with them at night. I was up there the next morning again, and Mr. Martin told me not to tell anybody that Jim Finch came and got his boys to go off with him.

Question. Did you see them go off?

Answer. Yes, sir; I was right there when they went off.

Question. Were they riding or walking?

Answer. They were on horseback when they went off.

Question. Were they disguised?

Answer. No, sir; they were not disguised when I saw them.

Question. What time was it they went off?

Answer. Well, just about dark.

Question. Did you hear them say where they were going?

Answer. No, sir; I never heard them say where they were going.

Question. Why did Mr. Martin want you to say nothing about it?

Answer. He never said what was the reason that he did not want me to tell it, and I never asked the reason.

Question. When did you see the Martin boys again?

Answer. The next day, about 9 or 10 o'clock.

Question. How far do you live from Holliday's?
Answer. About a quarter of a mile.
Question. Have you ever seen any of these people called Ku-Klux riding about over the country?
Answer. No, sir; I never saw any disguised men riding about over the country.
Question. Did you ever see the places where it is said they meet?
Answer. No, sir; I never saw any.
Question. Is there anything else you know about this matter?
Answer. No, sir.

By Mr. BAYARD:

Question. Were you before the grand jury as a witness in Mr. Holliday's case?
Answer. Yes, sir.
Question. Were you examined before the grand jury?
Answer. Yes, sir.
Question. You testified against these men who attacked his house?
Answer. Yes, sir.

By the CHAIRMAN:

Question. What coat is that you have got on?
Answer. It is Mr. Holliday's—one I got from him.
Question. Which Holliday?
Answer. Bob Holliday.
Question. Is that a coat which he had when he was in the confederate army?
Answer. I reckon it is; I never saw him wear it, and I do not know when he got it.

ATLANTA, GEORGIA, *October* 23, 1871.

JOHN C. CALHOUN (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I am twenty years old about now; I was born in Virginia; and I now live in Jackson County.
Question. When did you come from Virginia?
Answer. A year before the war broke out.
Question. When did you come here from Jackson County?
Answer. Yesterday was a week ago I started from there.
Question. What do you know, if anything, about people there that are called Ku-Klux?
Answer. I know some of them. They came around where I was living last winter, sixteen of them did, and I knowed three of them.
Question. Who were they?
Answer. Jim Finch, and Jack Haney, and Jack Finch.
Question. Were they walking or riding?
Answer. They came to my house walking; they hitched their horses off a piece from the house, maybe a quarter of a mile, and maybe not that far.
Question. Were they disguised?
Answer. Yes, sir.
Question. How were they disguised?
Answer. They had on white aprons, or sheets, or something with sleeves to it, and belts around them.
Question. Did they have anything over their faces?
Answer. Yes, sir.
Question. Did they have any arms?
Answer. They had pistols.
Question. Go on and tell us all that they did.
Answer. They took me out and whipped me.
Question. How did they get into your house?
Answer. They just came running and knocked the door open; they up with a chunk just as they got to the door and knocked it open.
Question. Were you living there by yourself?
Answer. I was living in the house with another man and his wife.
Question. What was his name?
Answer. Harrison Flannigan.
Question. Tell us all about what they said and did.
Answer. That was Tuesday night.
Question. Did they whip anybody else but you?

Answer. Not that night; they took him off, too, but he got away.
Question. Did they take you off?
Answer. Yes, sir.
Question. How far?
Answer. Maybe one hundred yards, maybe not quite that far.
Question. How many blows did they strike you?
Answer. Every one of them whipped me but one; I could not tell how many licks ey gave me.
Question. What did they whip you with?
Answer. With pine tops and pine switches; it looked like they took pine tops and mmed them up, and some of them did not trim them up.
Question. Did they make you strip off your clothes?
Answer. They made me strip.
Question. Did they whip you standing up or lying down?
Answer. Standing up.
Question. After they got through whipping you, what then?
Answer. They told me to go on back to the house and behave myself.
Question. What did they say they whipped you for?
Answer. They asked me if I and a boy did not fall out on the road, and I said "Yes." ommenced telling them what it was about, and they said they knew all about it.
Question. Was it a black boy or a white boy that you had a falling out with?
Answer. It was a white boy; one of the same ones that were along when they ipped me.
Question. What was it about?
Answer. There was a woman, last August was a year ago, going down the road with ne peaches, and I went on fooling with her. When I came back he cursed me, and id I had better be at my work. There was another black fellow there, and I said him, "Do you allow that?" I said it was none of his business, and then this Jack ney struck at me with a hoe.
Question. What did you do?
Answer. I was just sitting on a hoe when he struck at me, and I threw up my hoe and rned it off.
Question. What else was done?
Answer. That was all that was done. Another said, "Don't you do that any more." said, "Do you take it up?" He said, "No." They just dropped it then.
Question. How old is Mr. Haney?
Answer. I do not know; he was a married man.
Question. Was that what they whipped you for?
Answer. They did not say that was what it was for, but they asked me if I had a fall- g out with a boy.
Question. Was Haney the boy?
Answer. No, sir; he was not the boy. Jack Haney took it up; he is a young man w.
Question. What did they take Flannigan off for?
Answer. He was the one that told them not to hit me any more. Next evening after at they raised a fuss on the road again. Mr. Haney asked Flannigan was he the same an he was yesterday evening. And then they commenced on him again, and knocked n dead.
Question. Did they kill him?
Answer. They killed him for a while. Then he put it in a court of justice in Jeffer- n, and then they came on him.

By Mr. BAYARD:

Question. Tell us about this fuss on the road last August; who was the woman you d the fuss about?
Answer. Her name was Ars Hinter.
Question. Was she a white woman or a black woman?
Answer. She was a black woman.
Question. You say you were fooling with her?
Answer. She just came along, and I walked up the road with her. This young fel- w just cursed me, and said I had better be back there at my work.
Question. Who was he?
Answer. Jack Finch.
Question. Is he a white boy?
Answer. Yes, sir.
Question. Is he as old as you are?
Answer. I do not know; he is a young man now.
Question. Is he as old as you are?
Answer. He may be older or younger.
Question. Did you come to blows?

Answer. I never offered to hit him.
Question. There were only some words between you?
Answer. Just what I have told you.
Question. He ordered you not to fool, but to work?
Answer. We were working in the road.
Question. Were you working for him?
Answer. No, sir; he never had anything more to do with me than I had with him. He was on the road as I was.
Question. Was he a laboring man?
Answer. Yes, sir; just as I was.
Question. After that you had a fuss in the field?
Answer. No, sir; they were working on the road.
Question. And this other man took it up?
Answer. Jack Haney took it up for Jack Finch, and then this other man told him no to hit me any more.
Question. Were these men all working, as you were, for wages?
Answer. They were not getting anything; they were only working on the State road.
Question. Each man did so much to keep up the public road?
Answer. Yes, sir.
Question. Do you understand the nature of an oath: what is meant when you are sworn on that Bible?
Answer. Yes, sir; I reckon I do.
Question. What do you understand by it?
Answer. I swore to tell the truth and nothing else.
Question. Suppose you do not tell the truth?
Answer. Well, I am going to tell the truth and nothing else.
Question. You think the whipping these men gave you was on account of the fuss you had with this young fellow on the road?
Answer. Yes, sir; I could not take it to be for anything else but that; they asked me if I had had a falling out with the boy.

By the CHAIRMAN:

Question. Did they ask you that before or after they had whipped you?
Answer. That was while they were whipping me.

By Mr. BAYARD:

Question. You say this young fellow was there when you were whipped, the one you had the fuss with?
Answer. Yes, sir.
Question. He was one of the disguised men?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 23, 1871.

HARRISON FLANNIGAN (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I am about twenty-five years old; I was born in Jackson County, and now live there.
Question. When did you come here from Jackson County?
Answer. I started yesterday was a week ago.
Question. Do you know anything about any people in that county they call Ku-Klux?
Answer. Yes, sir; I know two or three of them.
Question. How many of them did you ever see?
Answer. About eighteen came to my house one night.
Question. When was that?
Answer. It was the next month after Christmas; about the last of the month after Christmas.
Question. What did they do?
Answer. They came there and carried me out; but I got loose from them. They carried me off from the house I reckon about one hundred and fifty yards. I got loose from them, and they shot at me eight or ten times. They left word that I had to go away from there. I moved off to Athens and staid a while, and then came back again.
Question. How did they get hold of you; where were you?
Answer. I was in the house; they just knocked the door down and came in.
Question. Who were with you in the house?

Answer. My wife was with me, and a fellow that lived with me, who set in to make crop with me.

Question. Who was that?

Answer. John Calhoun they call him; the same fellow that was in here a little bit ago.

Question. Did you have any children?

Answer. Yes, sir; four.

Question. How old were they?

Answer. The oldest is about five years old now.

Question. What is the age of the youngest?

Answer. The youngest is not more than eight months old.

Question. It was very young at that time?

Answer. It was not born at that time.

Question. Did they interfere with your wife in any way?

Answer. No, sir; except she took on right smart when they carried me out; and one them went back and shot a pistol over her head, and said that if she did not hush would kill her.

Question. Did they tell you what they took you out for?

Answer. No, sir. They asked me if I ever danced any, and I said, "I used to dance." ney said, "By God, you will dance to-night, and there will be no tune played." One them said, "You ought to have a shovel to bury him;" and I thought it was death nyhow. Two of them were leading me, and one let me loose after I crossed the fence, nd I slung away from the other one, and they shot at me. I fell, and one of them aid, "By God, we have killed him;" but they did not touch me.

Question. Did they interfere with you after that?

Answer. No, sir; not since.

Question. How long were you at Athens?

Answer. About a month, and then I came back and set into farming again.

Question. Was anything done with these men for disturbing you?

Answer. No, sir.

Question. Why did you not go before the court about it?

Answer. I just thought it would make the thing worse if I staid in the settlement, nd I wanted to stay there and make a crop. I thought if they did not bother me gain I would not bother them.

Question. Do you know what they had against you that they were disturbing you or?

Answer. There was a little fuss took place on the road last August was a year ago. They rather knocked some black fellows about, and some of us took it up and told hem they should not do that. From that they said they allowed to whip us all for it. One of them and I had a few words on the road like this evening, and next evening he walked up to me—that is, Jack Haney—and asked if I was the same man I was yesterday evening. I said, "Yes, of course." He struck at me with his hoe, and as I caught t a man by the name of Jim Collins knocked me down. I questioned some people around there as to what they thought best, and they said "Put it in law." I went to Jefferson, and they said they would Ku-Klux me; that I should not go into court. The trial was to come off in February. I came on to court, and they never bothered me. When I got to court they came to me and wanted to make it up, and said that each man would just pay his costs and just drop it. But they worked it around some way or other and swindled me, so that I had all the costs to pay. I understood afterward that they stated that it did them as much good to have me pay all the costs as if they had whipped me.

Question. Were those men who came to your house disguised?

Answer. Yes, sir.

Question. How were they disguised?

Answer. Some of them had dough-faces on their faces, and white sheets on; and some had blankets around them; and some had paper faces on their faces.

Question. Did you know any of them?

Answer. Yes, sir; three of them.

Question. Who were they?

Answer. Jim Collins, Jack Haney, and Jim Finch.

Question. Were the rest strangers to you, or were they so disguised that you could not tell who they were?

Answer. I could not see them all good; those were the ones that had hold of me. Collins had a paper face on his face, and it dropped off when he had hold of me, and he struck me over the head with a pistol to keep me from looking at him. When I got loose from him I cut across through the field and saw Jack Haney and Jim Finch when they came home.

Question. How long since you first heard of the Ku-Klux in that county?

Answer. Well, I heard of them about there for three or four years, but I never saw any until this time, but after last Christmas I heard a great deal of talk about them

Question. What were they said to be doing?

Answer. They said they allowed to whip black and white, and make them stay in their places; that if a black man voted contrary to the man he was working for, the would whip him or run him off; they were opposed to his voting any kind of a ticket but the democratic ticket, and they said that if we did not just do so and so we should not work their land, or something of the kind.

Question. How did you want to vote?

Answer. We wanted to vote the radical ticket.

Question. This fuss, as I understand you to say, occurred along in August, but the did not come to you till after Christmas. Why did they not come to you before?

Answer. I lived with a man by the same of John Seay; there were about fifteen twenty of us on the plantation. The way he told me of it was this: he got a deaf and dumb letter——

By Mr. BAYARD:

Question. Got what?

Answer. He got a deaf and dumb letter—one with no man's name signed to it—ordering him to turn a parcel of us off the plantation, or they would punish him for ——. He turned off several of us; our time was not up until Christmas, any how. As quas he turned us off and we scattered about they ran in upon us; they were rat afraid to come in on us when we were on the plantation together, twenty-five of us

By the CHAIRMAN:

Question. What do you mean by running in on you?

Answer. Whipped us.

Question. How many did they whip besides you?

Answer. They never whipped me; I got away; they whipped Calhoun.

Question. Was there a Dr. Watson there?

Answer. Yes, sir; he rented a part of the land, and I lived with him this year.

Question. Have they disturbed you since that time?

Answer. No, sir; not since I went back there.

Question. What did Dr. Watson tell you that he thought would be safe?

Answer. When I came from Athens to Jefferson I did not have the money to pay *the* lawyer's fee, and I asked Dr. Watson to pay it. He said he would pay it if I *would* come there and live with him. I asked him if I would be troubled, and he said that he did not know; that he would feel around and see. I went back to town, and in a week or so he came and said that he did not think they would trouble me until I got in my crop, but perhaps they would then.

Question. Have you gathered your crop yet?

Answer. No, sir; I was not done pulling fodder when I came here.

Question. Are you not afraid to go back?

Answer. I am sort of afraid of it.

Question. What are you going to do?

Answer. I am going to start back if they kill me before I get there.

Question. How much did that law matter cost you, in lawyer's fees and all?

Answer. Forty-one dollars, about as near as I can remember.

By Mr. BAYARD:

Question. Have you been before the grand jury here?

Answer. Yes, sir.

Question. Did you make your complaint there just as you have made it here?

Answer. Yes, sir.

By Mr. VOORHEES:

Question. How long has it been since you had this trouble with these men?

Answer. It was last August was a year ago.

Question. Have you continued to live in the neighborhood ever since?

Answer. Yes, sir; until they ran in on me and threatened me, and then I moved out.

Question. You never have had but one trouble with them?

Answer. No, sir.

Question. That was last August a year ago?

Answer. That was when I had the difficulty in the road.

Question. When did they run in on you?

Answer. It was the next month after Christmas.

Question. Along in January?

Answer. Yes, sir.

Question. Did you stay there in the neighborhood after that?

Answer. No, sir; I moved into Athens.

Question. How far off was that?

Answer. It was fifteen miles.

Question. Are you living in Athens now?

Answer. No, sir; I came back on the plantation.

Question. To the place where you had been troubled?

Answer. Yes, sir.
Question. When did you go back there?
Answer. The last of February.
Question. And you have been living at the old place since last February?
Answer. Yes, sir.
Question. Have you seen the men that whipped you since that time?
Answer. Yes, sir.
Question. They have not molested you since?
Answer. No, sir.
Question. Have they threatened you any?
Answer. I have heard that they threatened me.
Question. They have not said anything to your face?
Answer. No, sir.
Question. Do they know that you know them as the men that whipped you?
Answer. Yes, sir, I reckon they do.
Question. Have they ever said anything to you about it?
Answer. Mr. Collins did. He said to me that he was not along that night; that I eed not think hard of him, because he was not along.
Question. He wanted to clear himself in your mind?
Answer. Yes, sir.
Question. You have made a crop there this summer?
Answer. Yes, sir.
Question. Are you a married man?
Answer. Yes, sir.
Question. Have you had your family there with you?
Answer. Yes, sir; they are there now.
Question. You have got along peaceably until now?
Answer. Yes, sir.
Question. And you are going back there to live this winter?
Answer. I am going back there to gather my crop, and then I allow to leave there.
Question. Where are you going then?
Answer. I think I shall come up to Atlanta.

By Mr. BAYARD:

Question. You said Dr. Watson lent you money to employ a lawyer?
Answer. No, sir; we did not employ any lawyer. They said that each man would ay his costs, and just stop it and not let it go to trial.
Question. Is Mr. Watson a good friend to you, and kind to you?
Answer. Yes, sir.
Question. Do you trust him?
Answer. Yes, sir.
Question. Does he attend your family when sick?
Answer. Yes, sir.
Question. And he is kind to you?
Answer. Yes, sir.

By Mr. VOORHEES:

Question. What ticket does he vote?
Answer. He votes the democratic ticket, I think; he said to me when I went to Jef- rson to vote that we could vote for whoever we damned pleased; just that way; he id not persuade anybody to vote his way, and they could all vote for whoever they lease; that was what he said.
Question. Those men who worked on the road when you had the fuss, were they men ho worked for a living as you did?
Answer. Yes, sir.
Question. They were common men in that community?
Answer. Yes, sir.
Question. And that was the class of men who came to your house that night to molest ou?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 24, 1871.

JOHN M. CHURCH sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were born, and where do you now live?
Answer. I am forty-nine years old; I was born in Habersham County, and now live here.

Question. When did you come from Habersham County?

Answer. I left their a week ago yesterday evening.

Question. Will you state whether, in your opinion, there is an organization in that county known as the Ku-Klux, and what reason have you for thinking so?

Answer. In my opinion there is in that county an organization known as the Ku-Klux. My reason for believing it is that I have been credibly informed of their riding in disguise in various parts of that county.

Question. For how long a time?

Answer. The only raid I have heard of in that county was a short time ago.

Question. How long since you first heard of the operations of this klan?

Answer. In that county, do you mean?

Question. Yes.

Answer. I heard of it immediately after it took place; it was within a few miles of where I live; it has probably been two months since the thing took place.

Question. Did you ever hear of any Ku-Klux in the county before that time?

Answer. No, sir.

Question. What was done on that occasion?

Answer. There was a yard fence torn down.

Question. Was there anything else done?

Answer. I do not know whether there was any person threatened. The gentleman that was injured left the place and went off down on the railroad.

Question. Who is he?

Answer. His name is Popham.

Question. What had they against him?

Answer. I do not know.

Question. What is the feeling in that county towards Union men and negroes?

Answer. The feeling in that county against Union men and negroes is about the same, and it is pretty bad against either and both, bad enough.

Question. What congressional district is that in?

Answer. It is in the sixth congressional district.

Question. Who represents that district in Congress?

Answer. Mr. Price.

Question. Are there many republicans in that county?

Answer. There have been as many republicans—at least, the county gave a majority in favor of the ratification of the present constitution; but they have been falling off ever since. They have been intimidated until they will not come out at elections, and they make a very poor show now. I hardly know what to call the number.

Question. How have they been intimidated?

Answer. By abuse and threats.

Question. Who have made those threats?

Answer. They have been made by the leaders of the democratic party.

Question. What sort of threats were made?

Answer. Generally threats have been made for them to leave. My life has been threatened on more than one occasion. And then the abuse is thrown in their faces of "nigger equality," and all such stuff as that. In my estimation it does not amount to much.

Question. Has there been any republican speech made in your county lately?

Answer. None since Colonel Farrow, of this place, made a speech in the presidential contest.

Question. Why not?

Answer. Mr. Wimpy came there while he was a candidate for Congress, and they hissed at him; and I advised him not to attempt to speak, as I was well acquainted with the feelings of the people. He declined to speak; and I am sure there would have been difficulty if he had attempted it.

Question. Do you know any cases of violence in the county, such as killing or whipping?

Answer. Yes, sir.

Question. How many?

Answer. There have been five or six cases of violence by shooting, and some other shooting that did not take effect. Dave Starrett was publicly shot and killed in the streets of Clarkesville.

Question. When was that?

Answer. It was soon after the surrender; I do not remember how long it has been since then; it was maybe a year after the surrender. Lew McMillan was shot in the streets of Clarkesville; he is the next man I remember being shot. And last year a man came there who called himself Mr. Barney, from some county below here. He shot Isaac Payne in town, right before everybody; and he shot Jeff. Starrett boldly, before everybody. And there was another boy shot there last summer, on a Sunday morning in broad daylight.

Question. Were those persons white or black who were shot?

Answer. They were all black men and boys who were shot.

Question. Has anybody been punished for these shootings?

Answer. No, sir; nobody has been punished, and nobody has been attempted to be prosecuted, except this man Barney. The court was in session a week after he shot these negroes, and the grand jury got a bill against him. A warrant was put in the hands of the sheriff. Barney and the sheriff were both in town, and Barney went among the citizens of the town getting money to defend himself and to help get away.

Question. Could the sheriff have arrested him without danger?

Answer. I think he was afraid there would be a shooting affair if he attempted to arrest him, and I think there might have been.

Question. He was not arrested?

Answer. He was not arrested; he went off.

Question. Do you think the sheriff was in sympathy with him, or was he afraid to discharge his duty?

Answer. Well, sir, I think the sheriff was in sympathy with him.

By Mr. SCOFIELD:

Question. And was afraid of him also?

Answer. Yes, sir; afraid also.

By the CHAIRMAN:

Question. No one has been brought to trial or punished for any of these killings?

Answer. No, sir. At the time of this last shooting affair on Sunday morning, the young man was walking out to church. As it appears, there were some boys waiting for him, and one of them stepping off the fence, says, "I'll shoot you," and shot him in the breast, the ball entering near the heart, and it is there yet.

Question. Did he shoot him dead?

Answer. No, sir; he is living. One of the parties died. Young Mr. White himself has been shot there.

Question. How long ago has it been?

Answer. Last June a year ago, I think.

Question. Do you know the reason for shooting him or any of the rest of them?

Answer. Well, I do not. In regard to the first one I spoke of, I think they said he was drinking and cutting up some there, or had been during the day.

Question. Have you known of any persons in your county having been whipped?

Answer. Yes, sir; a white man was taken out of his bed by some ruffians about the village there. They stripped him, tied him, and whipped him nearly to death. I believe they carried him back to the village, about four miles from his residence, and whipped him once or twice on the way. There was no prosecution for that.

Question. What was his name?

Answer. I did not know him. He staid there but a short time, and then went off. They told him that if he ever appeared in court against them they would kill him, and he took it for granted that he had better go.

Question. Was he a citizen there?

Answer. I do not think he had been raised there; he had not been there long; I never got acquainted with him.

Question. Was he a northern man?

Answer. I do not know where he was from; I never had any acquaintance with him.

Question. Do you know of any others having been whipped?

Answer. There is an old negro in the village there by the name of Charles Dease, a respectable man. I knew of one incident of which the old man spoke to me. He is a man of truth and veracity, and has as good a character as any man. He said these fellows went into his store one night and demanded goods. He asked them to pay for them, and they knocked him down and kicked him, and then told him that if he went to law they would kill him. He asked me what he should do, and I told him he could do his pleasure. He thought he would be killed if he did anything; and did not do anything. There was another outrage on an old negro, who slept in the store, and was a trusty negro, and had some friends about the village. Two ruffians went into his house at night and kicked him out of doors because he would not give them something to eat. He attempted to punish them in court, but he made a complete failure, although his evidence was direct. The negroes have quit asking for their legal rights in the courts in our section; you could not get one to do it.

Question. Would they get their rights if they did ask for them?

Answer. Well, sir, I doubt it very much. I do not think they would. I do not think the civil law could be enforced there in their favor.

Question. How would it be with a white republican, say a common poor man?

Answer. It would be about the same thing. The republicans keep their mouths shut, or when they speak they whisper in a little squad. They keep at home, and refuse to vote on account of this very thing. Our county at the beginning was Union by a majority; but things have been managed in such a way that the people have become

intimidated, until they will not come out and take part in the elections. There are only a few there that let the people know, anywhere and everywhere, what they are politically.

Question. Those men who were injured were Union men and republicans?

Answer. Those negroes?

Question. Yes; those that were shot, and whipped, and beaten?

Answer. Yes, sir; they were all republicans, I suppose. I know that Dease and Starrett are. This last I mentioned is a boy who is not old enough to vote.

Question. What was the politics of the parties who were understood to have inflicted those injuries upon them?

Answer. Democrats, every one of them.

Question. Had any of them been in the rebel army?

Answer. Well, the one in this last shooting affair was a boy, who is not old enough to vote or to be in the army. All the rest, I suppose, had been in the rebel army; no, I think it was generally understood that the boy who killed Starrett was too young to have been in the army.

By Mr. BAYARD:

Question. Do you hold any office in the county?

Answer. I am acting there now as notary public in the town district.

Question. Have you ever held any office there before?

Answer. Yes, sir.

Question. What office?

Answer. I was chairman of the board of registration in that senatorial district; that is, for that county and two other counties. And I took the census there last summer for that county; and I have been sheriff of that county and deputy sheriff.

Question. What was the term of office?

Answer. The term is two years.

Question. When were you sheriff?

Answer. It was about from 1847 to 1851.

Question. You have not held that office lately?

Answer. No, sir. When the registration was going on I registered the votes in that senatorial district; and I took the United States census in that county last year.

Question. You have always been acting with the republican party in that district?

Answer. Since the surrender I have favored reconstruction, without any variation, from the beginning. I have acceded to all the propositions for reconstruction. I was for the Union before the war as long as I dared to speak, and I was in favor of the Union during the war; and as soon as I dared to speak in favor of the Union after the war I did so.

Question. Have you been before the grand jury here in this city?

Answer. No, sir.

Question. Were you summoned to appear before them?

Answer. Yes, sir.

Question. With whom have you prepared this memorandum to which you have been referring since you have been here in Atlanta?

Answer. I prepared this right here to refresh my memory. I do not know what the court had me summoned here for; my subpœna was United States against——

Question. Did you ever yourself see any band of men in disguise?

Answer. I have never seen any man in disguise.

Question. Have you any knowledge, except by rumor, of the existence of any such band?

Answer. I have none, except from information from those who have conversed with them, or who say they have.

Question. Have you ever been personally disturbed by any of those men?

Answer. No, sir.

Question. You have never been disturbed in your person or property by them?

Answer. No, sir.

Question. Have you ever been assailed in your person or property by lawless men in your own county since the passage of the reconstruction measures?

Answer. I have.

Question. State the case.

Answer. I was personally assailed on almost every occasion when I appeared in public during the time of reconstruction.

Question. State the method of assault—what was actually done to you.

Answer. I was not actually assaulted, but I saved myself by keeping out of the way, and by calling the sheriff to my aid. On one occasion a man prepared himself, as a friend who saw the thing take place afterward informed me, with a rock as big as a man's head, and waylaid me in the street that night.

Question. Who was that man?

Answer. I would prefer not to tell his name.

Question. Does he live in that town?

Answer. Yes, sir.
Question. Was it on account of a personal grudge against you?
Answer. No, sir; it was political.
Question. Was he acting for himself or with others?
Answer. He was put forward as a tool.
Question. He was acting by himself at that time?
Answer. Yes, sir.
Question. You spoke of persons who were shot after the surrender?
Answer. Yes, sir.
Question. That was in 1865?
Answer. Yes, sir.
Question. By whom was Starrett killed?
Answer. I do not know.
Question. You do not know by whom he was killed?
Answer. No, sir.
Question. Did you know the man who was killed?
Answer. Yes, sir.
Question. But you did not know who killed him?
Answer. No, sir.
Question. Who was the next man killed?
Answer. There was no other man killed.
Question. Only one man killed since the surrender?
Answer. But one that I can think of now; I have mentioned no one else.
Question. You have been living there since the surrender, have been acting as notary ublic, and you took the census there?
Answer. Yes, sir. I think there have been other murders in that county, but I cannot pecify the circumstances.
Question. Can you state the case?
Answer. I know there was a murder, and it was before the grand jury.
Question. Was the person tried?
Answer. I think so.
Question. Do you recollect the result?
Answer. I think the murder was justified.
Question. On the ground of self-defense?
Answer. Yes, sir. I do not think that was an outrage; it was an affray between two egroes, and it raised no excitement.
Question. The killing was justified?
Answer. Yes, sir.
Question. Who is Mr. Barney?
Answer. I do not know him.
Question. What did you say he had done?
Answer. That he said he had killed some negroes.
Question. Did he say that to you?
Answer. No, sir.
Question. How do you know it?
Answer. From hearsay.
Question. Then you state upon hearsay that Barney killed some negroes?
Answer. I did not say he killed any negroes.
Question. You have stated all you have said about that man upon rumor?
Answer. Yes, sir, upon rumor.
Question. State the date when you heard those rumors?
Answer. Some of my family saw this Payne shot.
Question. By Barney?
Answer. Yes, sir.
Question. Who is he?
Answer. He was a stranger there; he came from another county.
Question. And he went off after shooting those people?
Answer. Yes, sir.
Question. And he was indicted by the grand jury?
Answer. Yes, sir.
Question. And the sheriff failed to arrest him?
Answer. Yes, sir.
Question. Who is the sheriff?
Answer. Mr. A. J. Nix.
Question How do you know the sheriff failed to arrest him because he wished to ail?
Answer. I did not say I knew that.
Question. Did you not say to the chairman that you believed he favored his escape?
Answer. Yes, sir, I said I believed that.
Question. Do you know that fact?

Answer. I do not know it; I did not say so.

Question. Do you more than suspect it?

Answer. I believe it, from the fact that he belonged to the party ordinarily railing out against the negroes and the republicans.

Question. That is the only reason you have for believing this man failed in his duty?

Answer. There is another reason; he did not arrest him when he could have done it. I should have done it.

Question. Was that the sheriff who protected you?

Answer. No, sir.

Question. What is the date of this failure to arrest that man?

Answer. Probably eighteen months ago.

Question. I understood you that all these acts of violence that you have now stated were committed openly, by single men?

Answer. Yes, sir; there was no masking, and no necessity for masking to shoot negro in that county.

Question. That is your opinion?

Answer. I know it from what I have seen.

Question. Who is the judge of that district?

Answer. Judge Davis.

Question. What is his full name?

Answer. I do not remember.

Question. Do you live in that county?

Answer. Yes, sir.

Question. You are chairman of the board of education?

Answer. No, sir.

Question. Did you not say you were?

Answer. No, sir.

Question. You were a notary public?

Answer. Yes, sir.

Question. But you do not know the name of the judge of that district?

Answer. I do not at this time recollect his given name.

Question. Where does he live?

Answer. I believe he lives in Walton.

Question. Is he not an appointee of Governor Bullock?

Answer. Yes, sir. He did his whole duty, and the grand jury also did theirs; they got a bill right away.

Question. Who was the prosecuting officer?

Answer. I hardly know whether it was brought before the grand jury by the prosecuting officer; the case went before the grand jury, and it might have gone there in the shape of an indictment or a presentment.

Question. Have you attended the courts where any trials have taken place for lawlessness or disorder?

Answer. Yes, sir.

Question. Give the dates.

Answer. Well, year before last I was acting, as I am now, as notary public, and I constituted one member of a county criminal court that was organized by the first legislature under reconstruction. There were two negroes brought before me during that year—that is, the year before last—charged with stealing, and they were both convicted, and I sentenced them both to the chain-gang.

Question. Can you give any other cases?

Answer. That is all.

Question. Then, in the case of which you are speaking, the negroes were convicted?

Answer. Yes, sir.

Question. Have you been present in court when any parties charged with whipping or other lawlessness have been brought before the court?

Answer. They never have been brought before the court there.

Question. They have never been brought before the court?

Answer. Never, except the one I told you of.

Question. Which one?

Answer. I do not know that I gave that negro's name. His name was Adam something. Two men went at night and requested him to give them supper. I think I did not tell all the circumstances of that case.

By the CHAIRMAN:

Question. Go on and give them now.

Answer. These men went there and ordered the old man to give them something to eat. He said he had nothing fit for them to eat. They then kicked him out of doors, threw his furniture out, and abused him pretty considerably. His friends in town carried the case before the grand jury of what then existed as a district court in our State.

By Mr. BAYARD:

Question. Was it before Judge Davis?
Answer. It was not that kind of a court; it was a county court.
Question. What was the date of that?
Answer. In 1868. He failed to get a bill then, and he tried the second time and got bill. When the case came before the court for trial it was all thrown out of court, id nothing done.
Question. How thrown out of court?
Answer. It was *noll prossed*, or dismissed from some defect.
Question. From some defect in the indictment?
Answer. Yes, sir.
Question. The indictment was quashed as a defective indictment?
Answer. Yes, sir; or it was *noll prossed.*
Question. Do you know the fact of which you speak?
Answer. I asked one of the members of the grand jury.
Question. You say a bill was found by the grand jury?
Answer. Yes, sir.
Question. And that bill was subsequently quashed or it in some way failed before the urt?
Answer. Yes, sir.
Question. Do you know whether that indictment failed for some defect or imperfection in it?
Answer. That was my understanding; the records of the court will show that.
Question. Is that one of those cases which you characterize as outrages in your unty, which led you to think there is no justice there?
Answer. Well, it is one of the cases I mentioned; it surely was an outrage.
Question. You believe that the quashing of an indictment for an imperfection in it is an outrage. Were those two men disguised at all who assaulted the old man and bsequently were indicted in the case you mentioned?
Answer. No, sir.
Question. They were just two ruffians, I think you termed them, who entered his bin?
Answer. Yes, sir, and I term them ruffians yet.
Question. Do you know of a case in your county in which an attack has been made, d the parties have been brought before the court, in which there has been a failure justice? I mean now any case of physical injury; if so, state the case.
Answer. That is the only case that has been brought into our court.
Question. Then there has been no failure, because no case has yet been brought into urt; is that the truth?
Answer. Well, the cases have not been brought.
Question. Therefore there has been no failure, because there were no cases brought; that the truth?
Answer. I do not know the cause of it; that may be the cause, or it may not.
Question. Is, then, what you have stated a mere opinion upon this subject?
Answer. It is my opinion from the circumstances of the case, being well acquainted th the circumstances.
Question. Have you stated all the facts upon which your opinion is based?
Answer. I do not remember any other particular facts.
Question, What is the other tribunal with criminal jurisdiction in your county?
Answer. There is no other tribunal with criminal jurisdiction but the superior court.
Question. Is Judge Davis the judge of that court?
Answer. Not at this time. There has been——
Question. What has there been?
Answer. I told you that there was a county criminal court.
Question. Who compose that court?
Answer. Judge Sutton was the judge at the time of this outrage against the old negro an, when they got a bill before the grand jury.
Question. The grand jury found a bill?
Answer. Yes, sir, at the second trial.
Question. And then the indictment was quashed?
Answer. Yes, sir.
Question. How are you elected to your office of notary public?
Answer. I was appointed by Governor Bullock.

By the CHAIRMAN:

Question. You have been asked repeatedly, in connection with these cases of outrage on Adam, how the case went out of court. Do you wish to be understood as saying at the indictment was quashed, or was it *noll prossed,* or was there some other mode which the case never came to trial?
Answer. I never examined the record; I do not know what was the alleged defect in

the indictment. I think there was some kind of defect. It was either *noll prossed* o quashed in some way, or got out of court for some cause; I never inquired particularl into it.

Question. During all the time since the war has there been a single instance in you county in which a white man has been tried and punished for an injury done a colore man?

Answer. Not one. And, in fact, since that case of Adam there has not been a negr who has attempted to seek redress in a court.

Question. Why?

Answer. Because he knows he cannot get it. There were all those cases of shooti by Barney. Isaac Payne was shot down and rendered unable to attend to busine His friend Starrett went to a justice of the peace in the district and asked for a wa rant. After the warrant had been drawn up by an attorney there, I think by Jud Sutton, he asked the justice of the peace to sign it. The justice of the peace curs him, and drove him away without doing it; so I was informed. And then Barney sh Jeff Starrett for asking for that warrant.

By Mr. BAYARD:

Question. Barney was a stranger in the county?

Answer. Yes, sir; and he shot at two or three others.

By the CHAIRMAN:

Question. You spoke of stating these things upon information. Do you regard that information as reliable, and as true?

Answer. I believe it to be true.

Question. Did I understand that you were an old sheriff in that county?

Answer. Yes, sir; from 1847 to 1851, I think.

Question. You spoke of a party attempting an injury upon you, and said that you did not wish to give his name; why not?

Answer. I do not want to get up these old broils. I have been trying to act as consistently as I could. I have not had any political jowers with any person during that time.

Question. Do you know of any criminal offense, the perpetrators of which you would be unwilling to name even here to us?

Answer. Yes, sir. I know of a murder. I do not know positively who did it; but I would not like to say who I think did it.

Question. Why not?

Answer. Because I think it would endanger my life there if I should do so. From my knowledge of public sentiment there I know that it could not be prosecuted to a final result.

Question. Do you believe it would be possible to bring the supposed offender to trial in your county, and have a fair and impartial trial?

Answer. I have no idea of it; I have no idea that he would be held in jail there at all or punished by any means.

Question. Was that murder one of the cases you have mentioned?

Answer. Yes, sir.

By Mr. BAYARD:

Question. You say that you do not know that the person committed the act?

Answer. No, sir; I do not know it.

Question. Do you consider that you have a right to charge a man with murder upon mere suspicion?

Answer. I have not done it, and I do not intend to do it. That is just what I am talking about. I have refused to do it.

Question. I ask you if you conscientiously believe that you have a right to charge a fellow-man with murder upon mere suspicion, and without knowledge of the facts?

Answer. Well, sir, I have a right ——

Question. Answer my question, if you can?

Answer. I do not think it is a fair question, or put in a fair way.

Question. You have been asked by the chairman whether you know any criminal offense, the perpetrators of which you would be unwilling to name even here to us, and you answered that you did.

Answer. The facts in the case are these: Everybody knew that that negro was shot dead; he was seen after he was shot, and they took his body and buried it. I had no doubt that many of the citizens of the village know who did it; they have talked about it. I have heard rumors, not a few, about it. The person who is suspected of committing that murder ran away and staid away. The circumstances of the case justify me in coming to the conclusion that he was the man who committed that murder.

Question. Have you any knowledge yourself of the facts?

Answer. I have said from the beginning that I have not.

Question. Then I ask you if you conscientiously believe that you have a right to

charge a fellow-man with murder upon mere suspicion, and without knowledge of the facts?

Answer. I conscientiously believe that I am justified in coming to the conclusion that I have arrived at from the circumstances with regard to the guilt of that person.

Question. And you do it without any personal knowledge of the facts?

Answer. Yes, sir.

By Mr. SCOFIELD:

Question. You have made no charges, and you have named no person?

Answer. No, sir, I have made no charges, and named no person.

By the CHAIRMAN:

Question. Do you think you would be safe in making statements here that would tend to implicate that party?

Answer. I do not know whether you intend to publish this testimony or not. I could not make any more perfect charge before a court than just what I have stated here, that, from the circumstances, I have a right to arrive at the conclusion that a certain person is guilty of that offense.

Question. Do you know whether the witnesses who have come or who are to come before this committee are watched, and whether there have been any threats made against any of them, and whether any persons have been afraid to testify before this committee from fear that they would be punished for telling what they knew?

Answer. No, sir. I was abused as I was coming down here myself, for appearing before this committee. I was questioned pretty considerably, and I was asked for my subpœna, that it might be looked at, and I showed it.

Question. By whom was that?

Answer. I do not know the men's names; they were strangers to me in the cars as I came along. They were very abusive of the Government of the United States, of the revenue laws, and of the prosecutions of these Ku-Klux, and of illicit distillers.

Question. I will ask you whether these disguised bands went to this man's house and caused him to leave your county?

Answer. Yes, sir; that is in the neighborhood above me. I do not know, as I stated at the start, whether they made any threats or not. At any rate, he left immediately afterwards, and went up the railroad with his family.

Question. And he has not been back there since?

Answer. Not that I know of.

Question. How long ago was that?

Answer. Probably a month.

By Mr. BAYARD:

Question. Are there illicit stills in that neighborhood of country?

Answer. There have been.

Question. Was this man driven away on account of his connection with them?

Answer. I do not think he was charged with that; I do not know that he was.

Question. Do you know anything about the number of persons engaged in that business?

Answer. I do not know, of my own knowledge; a dozen, probably.

Question. It was all rumor?

Answer. It was all rumor, reliable rumor; it was close to me, in an adjoining district.

Question. You spoke of threats and abuse directed to you while on your way here?

Answer. Not personally towards me.

Question. They expressed a general dissatisfaction with this examination, and with regard to the prosecutions of Ku-Klux and distillers?

Answer. Yes, sir. A man questioned me in what I call rather an unfriendly way, and seemed to be indignant. He questioned me as to whether I was going to attend a military court or a civil court; what I was going to do, and what I knew about these things.

Question. And he asked to look at your subpœna?

Answer. Yes, sir.

Question. That was the character of the acts they did towards you?

Answer. Yes, sir.

Question. They were strangers to you?

Answer. Yes, sir; and I did not inquire their names.

Question. This was on a railway train?

Answer. Yes, sir.

Question. This is what you spoke of as abuse?

Answer. It was abuse of the Government that I spoke of there. One of the men said that he would bushwhack as long as he had breath in his body; and that if the Ku-Klux would kill a few of these damned Yankees, he thought they would quit trying to

enforce the revenue law in regard to distilling. He said that if they were to imprison him or to handcuff him, he would fight them until he died, and so on, rather in a gasing way.

Question. This was a stranger to you, on the railroad train?

Answer. Yes, sir.

Question. A man whom you never saw before, and have not seen since?

Answer. I never saw him before or since.

By the CHAIRMAN:

Question. How did he find out that you were coming here as a witness?

Answer. One came from Gainsville with me. The first question was, whether there were any prisoners with me. There were some soldiers along, and I reckon they supposed that there were some prisoners, and that maybe I was one. I said there was no prisoner on the train that I knew of. That is the way the conversation came up.

Question. Do you know whether the men who during the war were engaged in rebellion against the Government, and were trying to overthrow it and break it down, have the same feeling of hostility to it now that they had then?

Answer. Do you mean those I am acquainted with?

Question. Yes.

Answer. I know that the spirit of rebellion in our county is just as high as it ever was; I have no doubt of it. My opportunity has been good to enable me to know the sentiment of the people in that section, and I know it as well as any man in Northern Georgia. I heard them express this sentiment several times, in regard to the fire in Chicago, that they were glad of it.

Question. Do you suppose you could recruit any soldiers in your county to go into war against the Government?

Answer. Well, I think there are many there that might be recruited if they thought there was a prospect of success, or any hope of it.

By Mr. BAYARD:

Question. Have you known of any such attempt?

Answer. No, sir.

Question. Will you please give the names of the individuals who expressed joy over the disaster at Chicago?

Answer. Well, it has been done sometimes by strangers in this place.

Question. We want the names, for it is a fearful charge. I think, when you speak of the people, you ought to exclude those who did not say such a thing from those who did. I want to get at the bad men of your community, and I do not want the innocent to suffer with the guilty. I want the names of the men who made that fiendish remark, and I want you to state where it was done.

Answer. I do not want to do it.

Question. I think you should do it, in order that those who made that remark should be held up to the public detestation. Were those men known to you personally?

Answer. I know some of their names. Can you punish them?

Question. That is not the question; you can only punish them by the public scorn and detestation.

Answer. I think if that is so they would punish themselves, if there was any man who detests them, for they spoke it publicly.

Question. I think when you have made that charge you ought to specify the people, certainly their numbers, who, among your fellow-citizens, made such a remark.

Answer. I have no objection to giving the numbers; I do not think I ought to give the names, and I do not think you ought to require me to do it. You know that I live here, and what is the use of requiring me to do that?

Question. How many men do you know personally who said such a thing?

Answer. I know two in this town who said that since I came here.

Question. Any in your neighborhood?

Answer. I have never heard any other.

Question. You say that two of them are men that you know?

Answer. Two that I remember now.

Question. Are they all that you know who said this?

Answer. I think I have heard another, but I do not remember his name; I will not be positive about that, and if I did hear him, I do not think I am acquainted with him. I remember at this time of two persons whom I do know.

Question. Then your charge of that kind comes down to the fact that two men in Atlanta, since you have been here, have made such a statement in your presence?

Answer. Yes, sir.

Question. That is all you meant by the charge you made?

Answer. Yes, sir.

Question. And those names you prefer not to give?

Answer. Yes, sir; I prefer not to give them.

Question. You do not think it would be safe for you to charge a man with anything of that kind?

Answer. I am not afraid of one man, not generally, but I dislike trouble, I love peace. These men would not deny it to me; I am sure of that.

By the CHAIRMAN:

Question. Were those declarations made publicly?

Answer. One was made in a dwelling-house, when there was no other gentleman present, but there were some ladies present. The other was made in a store, when, I believe, there was no other person present at all but myself.

ATLANTA, GEORGIA, *October* 24, 1871.

HENRY C. TROTTER sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?

Answer. I was twenty-five years old on the 6th of last June; I was born in Habersham County, and I now live there.

Question. What is your political association at the present time?

Answer. I am a democat.

Question. Do you hold any office in that county?

Answer. Now?

Question. Yes.

Answer. No, sir.

Question. Have you ever held any at any time?

Answer. Yes, sir; I was notary public at one time of the 1021st militia district, in Habersham County.

Question. I wish you would state to the committee whether any propositions have been made to you to get up a secret organization in your county; if so, state by whom, when it was, and all about it.

Answer. I cannot state the exact time, but some three persons came to me for the purpose of getting me to administer an oath in a secret organization for the purpose of putting down the revenue law.

Question. Did they bring you the form of oath?

Answer. No, sir, they did not.

Question. Did they show it to you, or tell you what the oath was?

Answer. No, sir.

Question. To whom did they want you to administer the oath?

Answer. Mr. Albert Henderson, Mr. Henry Henderson, and Mr. Thomas Oakes wanted me to administer the oath to them, and to Mr. Hill and Mr. W. Bailey Smith.

Question. Did they tell you the form of oath they wanted you to administer?

Answer. No, sir; they wanted me to administer such an oath as would form a society; they were to have signs and secrets, and to have an oath that would make them stick to each other.

Question. A society to prevent the execution of the revenue laws?

Answer. Yes, sir.

Question. How long ago was that?

Answer. I think it was in 1865; no, I am mistaken in that; I think it was in 1867.

Question. Have there been any disguised parties riding about in your county?

Answer. I suppose so, but I have never seen them.

Question. How long since you first heard of them?

Answer. I think it has been about three months.

Question. What did they do?

Answer. They have been shooting about, and whipping some negroes; they shot at Mr. Holcombe.

Question. How many negroes have you heard of their whipping?

Answer. Only three in that county, I believe.

Question. In what portion of the county was that?

Answer. This was in White, in the Blue Creek district.

Question. How far from where you live?

Answer. About two miles and a quarter.

Question. How many persons were understood to be riding about together?

Answer. I suppose about seventy-five.

Question. Did you understand how they were disguised?

Answer. I understood that they just had a plain dress on, and something over their faces.

Question. False faces?

Answer. Yes, sir; and I understood that most of the horses were covered.
Question. Were they going about in the day-time or in the night?
Answer. In the night.
Question. Do you know the reason why they were shooting and whipping in that way?
Answer. No, sir, not particularly.

By Mr. BAYARD:

Question. You say that some young men, whose names you have given, came to you to administer some oath?
Answer. Yes, sir.
Question. You are a notary public?
Answer. Yes, sir.
Question. The form of that oath you do not recollect?
Answer. No, sir; they wanted me to draw up the form.
Question. And you declined to do it?
Answer. I first agreed to do it under certain circumstances, and then I reconsidered the thing and did not do it.
Question. Were those men engaged, or did they propose to engage, in illicit distilling?
Answer. Yes, sir.
Question. This was a kind of combination on their part to evade the law?
Answer. Yes, sir.
Question. That was what you spoke of?
Answer. Yes, sir.
Question. That was in 1867?
Answer. Yes, sir.
Question. Have you known anything of it, of your own knowledge, since that time?
Answer. No, sir.
Question. Did you yourself ever see any of these bands of disguised men?
Answer. No, sir.
Question. And what information you have regarding them is merely country rumor, nothing stronger than that?
Answer. No, sir.
Question. And do you have the same information, based upon the same kind of knowledge, that these bands are still engaged in the distilling business?
Answer. Yes, sir.
Question. You have spoken of negroes being whipped in the adjoining county of White?
Answer. Yes, sir.
Question. Have you any knowledge of the fact that they were accused of reporting these men to the revenue officers?
Answer. I have not.
Question. You do not know that that was the reason for their being whipped?
Answer. I do not.
Question. In regard to the three men being whipped; is not that mere matter of rumor, so far as your knowledge is concerned?
Answer. What I understood they whipped those negroes about was that they had told that they knew something about who killed Mr. Cason, who had been United States marshal up there; I suppose they told out that they knew one or two persons; that they had met them returning in disguise, and I suppose that is what those men whipped them for.
Question. Those negroes were charging certain parties there with having been connected with a murder, and it was supposed the whippings were on account of their having made that charge?
Answer. Yes, sir.
Question. Do you know of any such case in your county?
Answer. No, sir.
Question. How long have you lived in Habersham County?
Answer. All my life until last year.
Question. You were brought up and raised there, and you know all the people?
Answer. Yes, sir.
Question. Are you generally acquainted through the county?
Answer. Yes, sir.
Question. Is there generally a peaceful and friendly condition of feeling among the people in the county?
Answer. Yes, sir.
Question. Is there peace and good order there?
Answer. Yes, sir.
Question. Are men safe in their homes and in their houses and property?
Answer. Yes, sir; in Habersham they are.

Question. Do you believe, and would you here state upon your oath, that protection i given to people, both white and black, by the laws there, generally?
Answer. Yes, sir.
Question. Suppose a black man, or a man of any politics, had a wrong done him, an utrage inflicted upon him, or his property taken from him, would he have a good ıance to obtain justice before the juries of that county?
Answer. Well, sir, I do not believe he would.
Question. State the reason why.
Answer. There was a parcel of men down there about Clarkesville, and I have under- ood at certain times that they could not get justice down there. I have known one two cases tried before the superior court there when the prosecutors could not get ıstice.
Question. What was the case?
Answer. The case of Hamp Cason and Mr. Lossing.
Question. How long ago was that?
Answer. That was in 1865.
Question. Six years ago, just after the surrender?
Answer. Yes, sir.
Question. Well, now, within the last year, in regard to the present time, I will ask ou whether, if a man is injured in his person and property and comes into court for ıstice, he can reasonably hope to obtain it there?
Answer. I do not think he could, from what I can hear the people say there; I only ear them talk. It just occurs to my mind that they could not get justice under cer- ain circumstances.
Question. Have you known any cases in court of failure to get justice other than ıose you have mentioned?
Answer. Not that I recollect of now.
Question. Have you known a case where a man has been injured in person and prop- ty within the last two years, and the case was brought before the courts, and there as an absolute, plain failure to obtain justice in that case?
Answer. I do not know any.
Question. Who is the judge of your district?
Answer. Judge Davis.
Question. What is his full name?
Answer. I do not know.
Question. Is he an appointee of Governor Bullock?
Answer. Yes, sir.
Question. Who is your sheriff there?
Answer. I do not think there is any sheriff there. There have been some two or three lected who have failed to give security, and I think the coroner is acting sheriff now.
Question. What is the political complexion of the county?
Answer. I believe it is mostly democratic.
Question. Were those sheriffs who failed to give security democratic?
Answer. Yes, sir.
Question. Who is coroner and acts as sheriff?
Answer. Mr. Jack Nix.
Question. Is he a fair man and a good citizen?
Answer. Yes, sir.
Question. Does he do his duty and execute all process?
Answer. I think he failed in the case of Mr. Barney. There was one Mr. Barney, who ıme up there and killed several negroes around there.
Question. How long ago?
Answer. I do not know exactly how long ago that was. At that time I had not been bout Clarkesville, and I did not understand those things. I only suppose they did ot take him up, as they ought to. They got a warrant out against him, but the ıeriff let him slip, by some means or other.
Question. How long ago was that?
Answer. To the best of my recollection, I think it was about 1869.
Question. Who was Barney?
Answer. I did not know him.
Question. Was he a stranger in the county?
Answer. Yes, sir.
Question. Was he a violent, lawless man who shot these black people?
Answer. Yes, sir.
Question. And when they got out writs you think the sheriff let him slip off in some ay, and he got away?
Answer. Yes, sir.
Question. Has he ever returned since?
Answer. No, sir.

Question. Does the law authorize the governor of your State to offer rewards for murderers?
Answer. I have not seen it.
Question. You have not seen any reward?
Answer. I have not.
Question. Do you know whether Barney left the State?
Answer. I do not know.
Question. Did he commit these acts by himself?
Answer. Yes, sir, I suppose he did.
Question. Where does Judge Davis live?
Answer. I do not know.
Question. Would he have jurisdiction in that county?
Answer. Yes, sir.
Question. Of such offenses as maltreating people, whipping them, or injuring them?
Answer. Yes, sir; I think he has.
Question. Who is the prosecuting officer, the district attorney, or solicitor?
Answer. He is a man by the name of Marler.
Question. Where does he live?
Answer. I did know, but I have forgotten now.
Question. Does he live in your county?
Answer. He does not.
Question. Who is his deputy in your county?
Answer. I do not know.
Question. Do you know the population of your county?
Answer. No, sir.
Question. You do not know how many people there are in it?
Answer. No, sir.
Question. Do you know the proportion of black people and white people?
Answer. No, sir.
Question. Do you know anything about the number of votes polled at the election?
Answer. No, sir. I am a farmer by profession, and do not know anything about those things.
Question. Do you, of your own knowledge, know of any combination of any kind, at this time, to resist the laws of the United States?
Answer. No, sir, not of my own knowledge.
Question. Do you know of anything like an organization which is hostile to the Government of the United States in your district?
Answer. No, sir.

By the CHAIRMAN:

Question. I understand you to say, in reply to questions which have been asked you, that you do not think a negro man, or a republican, would be likely to get justice in the courts of your county?
Answer. Yes, sir.
Question. With reference to this man Barney, this stranger who came there, do you know whether the people round about Clarkesville made up a purse of money to help him get off?
Answer. I suppose they did; it is not within my own knowledge.
Question. Have you heard it so reported?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 24, 1871.

G. B. HOLCOMBE sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I was forty-six years old last May; I was born in that portion of Habersham County now White County, and I now live in White County.
Question. When did you come here?
Answer. I went home on Saturday, and then came back here yesterday morning.
Question. Will you state if you know anything about an organization of people generally called Ku-Klux?
Answer. Well, sir, I saw some I took to be they; they were disguised men; they came to my house one night last spring, and left notice for me that if I wanted to live long and to die happy not to attend the United States court; that they had understood I was going to attend the United States court, and that if I wanted to live long and die happy, not to go.

Question. They left that notice for you?
Answer. Yes, sir.
Question. Did you see them when they came?
Answer. Yes, sir.
Question. How many were there?
Answer. There were sixteen.
Question. Were they riding or walking?
Answer. They were riding.
Question. Did you know any of them?
Answer. I thought I knew a portion of them.
Question. Will you state the names of those you thought you knew, if you have no bjection?
Answer. I think I knew two of the Alleys, Henry and James, and Mr. Isaac Oakes y his voice; those are all I could identify.
Question. Did they give you this notice in writing?
Answer. Yes, sir.
Question. Did you have any conversation with them?
Answer. No, sir; I did not speak to them. My mother is a midwife; and when omebody hollered I paid no particular attention to it, as they used to call her up at all imes of night. She went out and talked to them. My wife, hearing them talking so ong, got up, looked out of the window and saw them. She told me and my brother, nd I got up and looked out of the window and saw them.
Question. Is that the only time you ever saw them?
Answer. Yes, sir; the only time I ever saw them; I have heard of them frequently.
Question. Have you ever been molested in any way by them?
Answer. Yes, sir; I attended the court, and they waylaid me and shot me; they illed a good horse from under me, and shot me through the leg as I returned from ourt.
Question. When was that?
Answer. I think it was last May.
Question. Where was the shooting done?
Answer. It was done in White County, near where I live, about a mile and a half or wo miles from where I live.
Question. In a public road?
Answer. It was in a settlement road, when I left the public road and turned off to o home; it was not more than two or three hundred yards from where I quit the ublic road that I was shot.
Question. Did you see the party who shot you?
Answer. No, sir.
Question. Was it in the day-time or in the night-time?
Answer. It was in the fall of evening, just before night; probably an hour or three-uarters of an hour before sundown.
Question. What sort of weapon were you shot with?
Answer. I think from the bullet that it was an army gun. The bullet went through ıy leg and through my horse to the skin on the other side. They cut it out; it was n ounce bullet.
Question. How long since you have heard of these disguised bands of men in your art of the country?
Answer. I heard of them in our neighborhood along the latter part of last winter; ıat was the first I heard of them; along in March, may be, I heard of them in other laces; I do not know whether it was so or not.
Question. Have they been going about through the settlement and over the country nce that time?
Answer. Yes, sir; they made some raids, I suppose; I never saw them. I have just eard of their whipping negroes in our own county and abusing white people. They hipped some white men in our county; they whipped a fellow of the name of Silas utchens, so the report is; he got a true bill against them; I was in the court at the me; they ran him off from my county, and I have understood he is in Clay County, orth Carolina.
Question. Have any of these parties been brought to trial and punished for this mis onduct?
Answer. We have tried them in our county, had them returned by the grand jury, ıt our courts, I do not think, will do anything with them.
Question. Nothing has been done yet?
Answer. No, sir; from what I can learn it is not worth while to try; the leading men ıere say that we cannot prosecute a suit if any one of us was murdered who was op-osed to them; that they are linked from shore to shore; lawyer Palmer, of Cleveland old my brother-in-law so; that they intended to carry out anything they undertook
Question. Who is your brother-in-law?
Answer. Daniel H. McCullom.

Question. Is lawyer Palmer understood to belong to it?
Answer. Yes, sir; that is the general understanding in our county.

By Mr. BAYARD:

Question. What is his full name?
Answer. We call him Duke Palmer; he signs himself M. K. Palmer.

By the CHAIRMAN:

Question. How came he to have this talk with him?
Answer. They ran in on my brother-in-law because he helped to arrest some parties who had been engaged in illicit distilling. He said it was no use to contend against them; that they would carry out everything they undertook; that we were too few men opposed to them, and that they were linked from shore to shore, and there was no use contending against them; that he had prophesied their shooting me, their killing of Mr. Cason, the deputy marshal, and that he and his son, McCullom, would be killed shortly; that they need not contend against them, or try to.
Question. What are your political affiliations?
Answer. I have always been a democrat; I was a secessionist and a rebel soldier, but I renounced democracy when they tried to run it by the Ku-Kluk organization, and I am no more a democrat when it comes to that.
Question. Is that the same way with your brother-in-law?
Answer. Yes, sir; I know him to be one of the strongest kind of democrats.
Question. And you disapprove this lawlessness and violence?
Answer. Yes, sir; I do.
Question. And you have tried to do what you could to put it down?
Answer. Yes, sir.
Question. You said something about the killing of Mr. Cason; tell us what you know about that.
Answer. They killed him on the 9th day of last November; I did not see the parties who did it, but I understood they were men in disguise; and a negro who has been abused very badly, Mary Brown, says she saw them in disguise on the road to kill him. And the threats made before satisfied me that they did kill him; one of the band has run away and gone to Texas, who said he would have to leave, but he would make Cason leave before he did.
Question. You are satisfied that Cason was killed?
Answer. I know he was killed; he was a close neighbor, and they shot him through the head.
Question. Have there been any arrests made, or any body tried or punished for killing Cason?
Answer. No, sir.
Question. Did the coroner hold an inquest?
Answer. Yes, sir.
Question. What did the jury find?
Answer. That it was a murder by they did not know whom.
Question. What was Cason doing; who was he?
Answer. He was a neighbor of mine and a farmer; he was appointed deputy marshal by the marshal here to arrest some parties; he undertook to arrest them at Cleveland, and they would not obey his orders; he summoned men to help him arrest this man Smith, who ran away and went to Texas, and who is supposed to be the man who killed him.
Question. He was not killed when he tried to make the arrest?
Answer. No, sir; he was bushwhacked some short time afterwards; he tried to make the arrest on Saturday before he was killed on Wednesday; I believe it was Wednesday, but I will not be positive.
Question. What is the feeling in your county toward black people, and toward white people who are called radicals?
Answer. Well, I do not believe that the democratic party has good feeling toward them; I do not know that they prohibit them from voting.
Question. Do you think they could get justice in your courts?
Answer. No, sir; I do not think they could.
Question. Has any attempt been made to arrest and punish anybody for the killing of Cason, or for any of the whippings of which you have heard?
Answer. No, sir; no attempt I have ever heard of.
Question. Have you any knowledge, or any reason to believe who were the parties that shot him?
Answer. Yes, sir; I am pretty well satisfied it was the Ku-Klux band. They left another notice with a tenant I had on my sister's farm, that I had been shot once, and that if I did not leave they would shoot my damned heart out; that they had given me notice before, and they intended to carry it out. I think it was a man of the name of Brock who shot me; he was a stranger who came in there and got into the Ku-Klux

party; from his actions afterwards, I am satisfied it was his doing. He came to where I and Palmer were talking; came up and asked if we were talking secrets; he put a hand on each of our shoulders, and sort of tried to get the run of our conversation.

Question. Where was he from?

Answer. I think he was from North Carolina; I understood so. I understood that a man named Kenimer, who went into the Klan one night, said that Brock understood that I had said that I knew who shot me; and that he had called upon the band and was told that it would not do to attack me, as I was well fitted up with shooting-irons, and had neighbors there, and it might cost the lives of a dozen men.

Question. Where is Brock now?

Answer. I do not know; the last I heard of him he was up in Rabun dodging me; afraid I would arrest him, I suppose.

Question. With whom did they leave this notice?

Answer. With a tenant on my sister's place.

Question. Was it left by disguised men?

Answer. Yes, sir, I suppose so; I did not see them, but that is my understanding.

Question. Where is this man Kenimer?

Answer. I suppose he has testified before this committee; he was here last Saturday.

Question. Have you had any talk with this man Kenimer?

Answer. Yes, sir.

Question. What did he say?

Answer. He said it was a matter of confidence with him; I believe that was his language; that he was in it, but did not want to be called on; that whenever there was no other chance he would tell. He said he was afraid to testify to what he let on to me, and did not want to have to. He told his step-brother that Brock went to the band, or called upon them after they met, disguised, for assistance to go and take me out and kill me; he said I knew who shot me, and would kill him as soon as I got well.

By Mr. BAYARD:

Question. What is the name of the judge of your county who has jurisdiction of such criminal offenses as were inflicted upon you?

Answer. I believe it is Charles Davis.

Question. What is the population of your county, White County?

Answer. I do not know exactly; I never charged my memory with it. It votes some four or five hundred strong, perhaps six hundred; it is a small county.

Question. Is there or not a great deal of illicit distilling going on in that neighborhood?

Answer. Yes, sir, there was, but I think it is stopped now.

Question. When you were waylaid and your horse shot under you last spring, was it complained that you had reported against illicit distillers?

Answer. No, sir; I reckon not.

Question. Had you been summoned as a witness?

Answer. I was a witness against a party who was charged with trying to prohibit witnesses from attending the United States court and testifying against distillers.

Question. The person was charged with intimidating witnesses against distillers?

Answer. Yes, sir

Question. And you were called to prove that?

Answer. Yes, sir.

Question. And it grew out of that feeling?

Answer. Yes, sir.

Question. And you were waylaid in daylight, your horse killed under you, and you shot through the leg?

Answer. Yes, sir.

Question. You have stated that you had reason to believe that that was done by a stranger named Brock?

Answer. Yes, sir.

Question. From where did he come?

Answer. The report was that he came from North Carolina. He came there and took up with the men I was witness against. I was notified by my neighbors that he was there for no good, that they expected he was brought in there to do some of us a private injury, they did not know what.

Question. That he was a stranger, brought where he would not be known, to do an injury, and then go off?

Answer. Yes, sir.

Question. Did he go away after you were hurt?

Answer. I have heard of him up in the edge of Rabun, up in the mountains.

Question. He went right away after you were shot?

Answer. He remained some time afterward with Alley and Oakes, who were understood to be leaders of the Ku-Klux band.

Question. Is that band organized to protect distillers?

Answer. I suppose that is partly their object; and then to run off men whose property they want, for that is said to be part of their business. Whenever they want a man's property they just give him notice to leave; that is the case many times.

Question. Have you any neighbors who would arm in your defense?

Answer. Yes, sir.

Question. And assist you in putting down those men?

Answer. Yes, sir.

Question. Is there not under the laws of your State the right of removing causes to other counties?

Answer. No, sir, I think not. We went to a lawyer to see if we could not remove a case. They got after McCullom's son; they ran a mob on him at Cleveland. He knew he could not law with them there, for they were all considered of the Ku-Klux band. He went to Lawyer Sutton, of Clarkesville, to know if he could not remove the case to Habersham, where he could get justice, and the lawyer said he doubted whether he could.

Question. Is there not a law of this State that permits a change of venue?

Answer. Not that I know of. Where a grand jury could not be made up the case can be removed; but if a jury will qualify, if they will swear that they had no bias or prejudice for or against, it cannot be done; it is obliged to be tried in the county where it is committed.

Question. That is your understanding of the law?

Answer. That is the advice we got from Lawyer Sutton, who is considered a good judge of the law.

Question. A man of repute and ability?

Answer. Yes, sir.

Question. You spoke of the murder of Mr. Cason, deputy marshal. Was he employed in ferreting out these illicit distillers?

Answer. Not that I know of.

Question. Why was he killed?

Answer. He was a deputy marshal, appointed, I suppose, by the marshal of the United States to arrest some parties there. He undertook to arrest them, and they threatened his life; and I know they killed him.

Question. Who is understood to have killed him?

Answer. A fellow by the name of Bailey Smith, who ran away, and is in Smith County, Texas.

Question. Was he from White County?

Answer. He was from Habersham, just over the river.

Question. Did he shoot him at night?

Answer. In the evening. Mary Brown says she saw Bailey Smith and a man by the name of Hancock; so she described him; she says she did not know Hancock. She says she saw them in disguise on the trail toward Cason's.

Question. And after the murder of Cason this man Smith ran away to Texas?

Answer. Yes, sir; I understood that he did, and that he is in Smith County, Texas. I have a neighbor girl there who married a man who went to Texas. Her husband died, and she came back; and she says that she saw Smith there.

Question. I understood you to say that you were a staunch democrat, as was also your brother-in-law?

Answer. Yes, sir; I was a democrat until I understood they undertook to run the machine by the Ku-Klux band. If that be true, I am no more a democrat.

By the CHAIRMAN:

Question. Is it understood that the Ku-Klux belong to the democratic party?

Answer. Yes, sir.

Question. Do you understand that any republicans belong to it?

Answer. No, sir.

By Mr. LANSING:

Question. You say that the Ku-Klux are organized partly to protect distillers; what else are they organized for?

Answer. I understand that they aim to run the democratic party by it, to carry their elections by it. My brother-in-law told me that his brother told him that they tried to recruit him into the Ku-Klux band, and told him that in that way they could overthrow Bullock's administration whenever they could get strong enough. It is the understanding that that is their intention.

By Mr. BAYARD:

Question. Have you yourself any knowledge of who are members of this band in your county?

Answer. Sixteen are all I ever saw. I understand that some estimate them at seventy-five, and some at forty, and along there. I do not know how many there are; I never saw but sixteen of them.

ATLANTA, GEORGIA, *October* 24, 1871.

JOE BROWN (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I was born in the year 1830, in Old Virginia. I do not know what day I was born, but old mistress always told me to say that I was born in the year '30; I live now in White County.

Question. In what part of Virginia were you born?

Answer. I do not know what part I was born in. I was a year and six months old when my old mistress bought me and my mother.

Question. When did you leave White County?

Answer. I started from White County on Monday a week ago.

Question. Did you come here to attend court as a witness?

Answer. Yes, sir.

Question. What do you know about any people in your country that are called Ku-Klux?

Answer. Well, I know this Oakes's son; Big William they call him. We would have sworn to more, but then I thought they would cross-question me so that I had better swear to only the two of them, William Oakes and George Canton; he was in disguise.

Question. Have you seen any Ku-Klux that you did not know who they were?

Answer. Yes, sir.

Question. How many?

Answer. Well, sir, I saw four I knew; two of them were in disguise.

Question. Were any along that you did not know?

Answer. Yes, sir; a great many.

Question. How many?

Answer. I do not know; I heard after that that they said there were some fifty-odd of them; but then those four were all I knew.

Question. When did you see them?

Answer. Do you mean the folks that abused me?

Question. Yes.

Answer. It was on Saturday night, betwixt midnight and day.

Question. How long ago was it?

Answer. It was done about the time that we went to work over the corn the first time; I do not know what month it was.

Question. Where was it that you saw them?

Answer. I saw them in my yard; they had a big fire built up in my yard, and had me and my wife stripped.

Question. Tell us all about it.

Answer. This George Canton was in disguise, and Mr. Alley was in disguise.

Question. How was it with the rest of them?

Answer. The rest of them were disguised.

Question. What sort of disguise did they have on?

Answer. They looked like false-faces, with little red dots on them; and some of them had on white oil-cloth coats, and some looked like they had on calico.

Question. Were they riding or walking?

Answer. A good many of them were riding, and a heap were walking?

Question. Were their horses disguised?

Answer. They had the horses covered over, and they had faces on themselves.

Question. You say they came to your house?

Answer. Yes, sir.

Question. Tell us all they did there.

Answer. I was in my bed asleep, and when I came to myself, as I struck the floor, they said, "Boys, surround the house." They surrounded the house, and knocked both doors down, and jabbed the cracks out, and presented pistols, and made us make up a light. They said, "Are there any going away?" We said, "No." They then commenced calling for Mary Brown, and went searching for her. I could not have told where she was to save my life, for when I went to bed they were sitting up, all of them. They were scared to death, almost, anyhow, for they had been looking for them. They tried to make me tell where she was, but I could not have told them, for I left them all sitting up. They said, "You were all here at dark, and we'll kill you if you don't tell." This George Canton seemed to beg them not to kill me, as I was begging for my life. They kept searching about; Mr. Alley and Mr. Oakes went in and pulled my wife out of bed, and pulled little Mary out. They had got into bed, around behind the old man; he was sitting up in bed. They ordered us to take a fire into the yard, and make up a big light; that was the way I come to know them. I would not have known one of them if they had not made up a big light.

Question. What did they do?

Answer. They just stripped me stark naked, and fell to beating us. They got a great big trace-chain, and swung me up from the ground, and swung her up until she fainted; and they beat us all over the yard with great big sticks.

Question. They stripped you stark naked and whipped you?

Answer. Yes, sir.

Question. With what?

Answer. With sticks. They had a hickory fishing-pole that had been trimmed, very long and large. The river is pretty wide there, and the old man had got a parcel of fishing-poles to fish with, and they gathered them and beat us with them.

Question. Did they whip you standing, or did they throw you down?

Answer. They tried to throw me down, and tried to keep my head down, so that I should not know any of them; but I did know some of them; I did not know them all.

Question. How many blows did they strike you?

Answer. Well, they wore out three fishing-poles on me.

Question. Did they whip your wife?

Answer. Yes, sir.

Question. Who were they inquiring for?

Answer. They tried to make me and her tell where George McCullom was, and said if they could just come across him he was certain gone up, that they allowed to kill him.

Question. What did they do with the chain?

Answer. They took the chain and fetched it around our necks, and swung us up from the ground. They first called for a rope, and said they were going to hang us.

Question. What kind of a chain was it?

Answer. It was a trace-chain.

Question. How did they swing her up?

Answer. Two of them caught hold of it and brought it over, and then lifted her off the ground, and let her down again.

Question. Did they lift you off the ground in that way?

Answer. Yes, sir.

Question. Was your wife stripped?

Answer. Yes, sir. They made all the women show their nakedness; they made them lie down, and they jabbed them with sticks, and made them show their nakedness; and they made the little children show their nakedness.

Question. How many children had you?

Answer. Two boys and one little girl. There were two little boys, but they did not get up—the littlest ones. They made my mother-in-law, and my sister-in-law, and my wife, and two little girls lie down and show their nakedness.

Question. Did they do any mischief to the children?

Answer. They jabbed them with a stick, and went to playing with their backsides with a piece of fishing-pole.

Question. How old are those children?

Answer. I do not exactly know; I cannot exactly tell, point-blank how old these were, but I should say that Augustus would be going on eight or nine or ten years old; Alfred is a good big plow-boy; has been plowing now for two summers.

Question. Were those children in the house?

Answer. They were in bed.

Question. Were they pulled out of bed?

Answer. No, sir; they were made to get up out of bed; they pulled my wife out of bed.

Question. How long had you been looking for the Ku-Klux to come there?

Answer. Well, they came on the children when they were by themselves. They thought they would catch me and my wife there, but we were not there.

Question. How long before was that?

Answer. I cannot exactly tell, point-blank, the time, but, I allow it was pretty well on to three weeks, or almost a month, as near as I can remember it, before they came on us any more.

Question. Have they done anything to you, or molested you in any way, since?

Answer. No, sir; I was afeared to go back; I staid ten miles from home until the troops came for me and fetched me home. And they had been away from home all summer, afeared to go home.

Question. Who?

Answer. My wife and little Mary; but they sent for them to come home. I was afeared to go home.

Question. Have you heard that they have been going about this summer?

Answer. Yes, sir; they went to George McCullom's and Mr. Freeman's, but they did not catch them.

Question. What reason did they give for treating you in this way?

Answer. My wife saw two men disguised as they came across below our house and up by the house. They made out they were black men, and spoke to my wife to see if

she knew them. She knew this Bailey Smith, but I forget whether she knew the other one or not. They went on up toward Mr. Cason's with their guns.

Question. Did they tell you that was what they were beating you for?

Answer. No, sir; they told it since.

Question. What did they say that night about it?

Answer. They said to my wife, "What is that you are going to swear?" She declared she never had said anything about what she was going to swear. They said they had heard we had talked about it, and they wanted to run us out of the State, to keep us from being witnesses about it. They asked me what I knew about it, and I said I knew only what my wife told me; that I was away when Mr. Cason was killed. They said I was a liar, and I said I was not. That is what they beat and abused my wife about, on account of this Bailey Smith. They thought if they ran us off or killed us, there would be no witnesses against them about killing Mr. Cason.

Question. How many persons were there altogether that night?

Answer. I heard after that that they said there were sixty and some odd of them, but I did not know more than four of them, and I swore to two of them.

By Mr. BAYARD:

Question. Have you been before the grand jury in this city?

Answer. Yes, sir.

Question. Is this the same case in which Mary Brown, Mary Neal, Caroline Benson, and Rachel Arnold were called?

Answer. Yes, sir.

Question. They were all witnesses with you on this matter?

Answer. Yes, sir.

Question. Have they all been examined before this committee in regard to this same case of whipping?

Answer. Yes, sir.

Question. You say this man Bailey Smith was supposed to have shot Mr. Cason?

Answer. On the same day he was disguised Mr. Cason was killed.

Question. And they thought your wife would testify against him?

Answer. Yes, sir. He came up to fool her and pass himself off as a black man, and she said, "Bailey Smith, I know you." That is the way he knew my wife knew him, and he told his klan to come back on us and run me and her out of there.

Question. Bailey Smith is supposed to have killed Mr. Cason?

Answer. Yes, sir.

Question. Do you know where Bailey Smith went?

Answer. They said he went—I do not know whether I can think of the name of the place or not.

Question. Did he run off to Texas?

Answer. I believe that is the name of the place. He was in Texas, and he wrote back to his friends that my wife would be the strongest evidence against him, and that he wanted his friends to run me and my wife out of the State, and then he could come home.

Question. That was the cause of this outrage upon you?

Answer. Yes, sir.

Question. Had Bailey Smith and his band of men been concerned there in distilling?

Answer. Yes, sir; all of them were in the distilling. That is what they killed Mr. Cason for, because he was trying to take them up for it.

ATLANTA, GEORGIA, *October* 24, 1871.

Lieutenant F. B. TAYLOR sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and what is your present position?

Answer. I am twenty-six years old; I was born in the State of New York, and I am now a lieutenant in the United States Army.

Question. Where are you stationed?

Answer. At present I am stationed in White County, Georgia.

Question. How long have you been in White County?

Answer. About seventy days.

Question. How long have you been in Georgia?

Answer. Since April, 1869.

Question. In what part of the State?

Answer. In the middle, northern, and southwestern parts of Georgia.

Question. Our object is to ascertain how far life and property are protected or not protected in this State; how far the laws for their protection are or are not enforced, and any causes that may operate to prevent a citizen from enjoying his civil and polit-

ical rights, including his personal safety and the security of his property. With this general statement of our object, I wish you would go on and tell us what you know, from your residence in this State, bearing upon that subject.

Answer. I have never been brought into any connection with the civil authorities until this present fall. I was ordered up into White County to protect some witnesses for the United States district court. They had been threatened up there by different parties, and some of them had been fired upon. My instructions were to take camp near the houses of certain witnesses and protect them. On arriving there I saw men who had been shot, and I saw the blinds where the assassins had concealed themselves. I saw certain documents served upon witnesses, telling them that they must leave the county or suffer death. The husband of the widow on whose plantation I am now camped was killed in his own door-yard last October. He was deputy marshal in Northern Georgia. The perpetrators of that murder have never been brought to justice; no effort by the civil authorities up there has ever been made to bring them to justice. For a long time they could gain no clew to who did kill this deputy marshal, until accidentally they learned that a negro woman had seen two men going in disguise, blackened to look like negroes, in the direction of this deputy marshal's house. When she heard that the marshal, Mr. Cason, was killed, she spoke of the circumstance, and expressed wonder why white men should be disguised that way, with guns on their shoulders. She mentioned it first to her mother, and afterward to one or two white citizens. Not long afterward she received a notice that she must stop talking about the circumstance of Cason's death; that if not, she would have to leave the country. She continued to speak about it whenever spoken to, until in May she was raided upon and whipped. It was just the same with several other witnesses who had some idea who were the parties that killed Cason. They were notified that they must stop talking about the matter or they would have to leave the country. Two or three of those witnesses I brought down here, to appear before the district court. In regard to how civil affairs are administered up there, you can have some idea of it from a little circumstance that happened just before I went up there. Two men got into a quarrel; one called the other a damned radical, and they got into some sort of a fisticuff fight. The man that had been called a radical was put in jail. Fortunately, his uncle, one of the wealthy men up there, was able to give bond in five hundred dollars, and have him released. He went home with his father, and that night a band of Ku-Klux raided on his father and demanded that his son should come out. Fortunately, he had not stopped there over night. Feeling that his life would not be secure in that country, he left, and went down into Hall County to work on the Air-Line Railroad. His name was West, and while down there he was arrested on some trumped-up charge, as being the man for whom the governor of the State had offered a reward for killing some man in Franklin County. It was proved that he was not the man, and he was released, or rather ordered to be released, but they still held him on a charge of assault with intent to kill this man who had called him a radical. They have held him over since in Hall County jail, for three months, refusing bail for him. A week or so before I came down to Atlanta, his father came to me and asked me if I could not furnish some assistance in the matter; he said that he could not get his son bailed or brought before the court, and he feared they would Ku-Klux him when they brought him up for trial in White County. I told him my instructions from the department commander were to protect life and property whenever I became cognizant that any felony was intended; if he could show me that his son's life was in danger, I would protect him; that if he was afraid his son could not come up to the county court in safety, I would send a guard along, or go myself and see that he was not injured, although I could not take him out of the hands of the civil authorities. The court will sit next Monday, and I am very anxious to get back, for the young man's life has been threatened.

Question. What has he done that should provoke this hostility to him?

Answer. His father is notary public; he received the appointment from Governor Bullock. He ran on the opposition ticket, or the republican ticket, there last fall, for justice of the peace, and was beaten. Governor Bullock appointed him notary public, ex-officio justice of the peace. They are down on the old man, and the son has to bear the brunt of their hostility.

Question. What do you understand was the particular transaction out of which this charge against him grew?

Answer. It was his trouble with a man over a political discussion. The man called him a damned radical and struck him, and he struck back. There was no testimony brought out to show that any deadly weapons had been used. Anyhow, he was confined on a charge for a misdemeanor and bailed on a five hundred dollar bond. When the grand jury sat they failed to indict him, and he was released. In Hall County they trumped up a charge of assault with intent to kill, and he is now held on that charge.

Question. The offense was not committed in Hall County?

Answer. No, sir; but he was arrested there and confined there. His father has made several attempts to have him brought back to White County. The sheriff has declined

to do anything in the matter, and the ordinary of White County has declined to issue an order to have him brought back to that county.

Question. How did they get a precept for his commitment to jail in Hall County?

Answer. I do not know. I advised his father to go to the ordinary of White County and demand that his son be brought back to that county; that the ordinary should issue some legal paper, and serve it upon the sheriff, commanding him to go to Hall County and bring his son back; but he has been unable to effect it. I also told him I believed he could get him released by a writ of *habeas corpus*. But that was refused by the ordinary of Hall County; so Mr. West told me.

Question. He was examined before a committing magistrate, and held under a bond of $500 to answer to a misdemeanor, and when the grand jury met they failed to find a bill against him?

Answer. Yes, sir. He then went to Hall County under the advice that his life was not safe in White County, and there he was taken up on a charge of assault with intent to kill. It was all for the same offense in White County.

Question. So far as you have observed up there, do you think that the colored people and those who are called radicals would stand an equal chance in the courts to obtain justice?

Answer. No, sir, I do not.

Question. What is the feeling toward them on the part of a large portion of the community?

Answer. It is very bitter. I am led to believe it is from the fact that the only leading lawyer in White County has made some remarks upholding the Ku-Klux. His brother is ordinary of the county, and whenever any case is brought before him, like this case of Mr. West and another case of Mr. McCullom, they have used the law against them as strongly as they could, demanding the greatest amount of bail and making the offense appear as flagrant as possible. Mr. Holcombe, a witness who was here, says he overheard Mr. Palmer, the leading lawyer I speak of, speaking of the Ku-Klux there and saying they were linked from shore to shore, and the Government might drive them from one place and they would rise up in another. I never heard him make any such remark.

Question. Speaking of the Ku-Klux, what is your knowledge and reliable information about the organization up there?

Answer. I have never seen any of them in that county, although one of my men captured what he supposed was the gown of one. We could not positively tell that it was one; it was a black garment, which was hid away in the garret of a house where we were searching for one who was supposed to belong to the Ku-Klux. We finally captured him in the garret, with two revolvers by his side, which is pretty good evidence that he is a lawless man. The garment was a long black cambric dress; it may have been a woman's riding-habit and may have been a Ku-Klux gown; we could not tell. There are plenty of witnesses there who have seen the Ku-Klux at night. They have made no raid since I have been up there. I can produce two reliable witnesses who were called out and who saw them, thirty or forty strong, in the road; they were disguised and their horses were disguised. They continued to ride there until the Union people organized themselves into night companies, as they called them; and when they heard that the Ku-Klux were going to make a raid, they would post themselves along the roads in different places, with the object of firing upon the gang as they passed by. The gang heard of that, and were afraid to go out, and have stopped it.

Question. How long ago was that done?

Answer. The first Ku-Klux raid that I have heard of was in March last; and in March, April, and May, those three months, there were some twelve or thirteen different raids made by them.

Question. How long since the Union men have combined to guard the roads?

Answer. I think it was along in July that they organized the company, and since that time they have not raided at all.

Question. Have there been any collisions between the Union people and the Ku-Klux?

Answer. Yes, sir, one slight affair. They raided on Mr. McCullom one night, and his son and himself heard them coming, and they went out to meet them. They were both armed with old-fashioned muskets, heavily charged with buck-shot. They secreted themselves behind trees, and when the party came within range of them they fired. But it was dark, and the range was too long, and no one was killed; although the effect of the fire is evident in the marks upon the fences. The raiders took refuge under the fence and fired upon McCullom and his son, who had to flee. They ran away down here and sought protection, and that was the occasion of my going up there to protect them. They were members of that night company; and they told me that they organized it on the strength of the passage of the enforcement act of Congress, which gave anybody the right to fire into armed bodies parading in disguise.

Question. Have you information of the existence of this organization in other parts of the State?

Answer. Yes, sir, I have seen them myself in the night; been right among them.

Question. Where?

Answer. In Decatur, Alabama, in July, 1868. At the time I was seeing a friend off on the train; and a company of them came down to the depot in black masks and black gowns. They marched about the depot and back and forth into town, and rode right around me two or three times. I was in undress uniform, as I am now; but they made no demonstration against me. They marched as soldiers do, and seemed to have some kind of drill and organization.

Question. They were systematic in their movements?

Answer. Yes, sir.

By Mr. SCOFIELD:

Question. How many of them were there?

Answer. There were some twenty, I think.

By the CHAIRMAN:

Question. From your professional experience you could tell whether they had drilled or not?

Answer. Yes, sir; they could not have marched so well without drill and organization. That was the only time I ever saw them in disguise. But in 1868 they made no attempt at secrecy.

Question. Have you had reliable information of their existence in other parts of this State since you have been in the State?

Answer. I have the very best evidence of their existence in southwestern Georgia; that is, the testimony of black men who have dragged themselves into our camp and showed three or four bullet-holes in their backs, and the scars where they had been beaten. They must have been shot and beaten by somebody, and they said it was by the Ku-Klux.

Question. When was that?

Answer. I was stationed there during the months of July and August, 1870.

Question. How many instances of violence of that sort came under your observation?

Answer. I could not tell the exact number now, although I knew of some six or seven different men who came into the camp and claimed that they had been maltreated. One man, particularly, dragged himself into camp with four bullet-holes in his body, another with one, another badly cut, and another badly whipped. In those cases the commander of the post made a report, which was forwarded to the headquarters of the department at Atlanta; nothing was heard of them any more. We left there the first of September.

Question. Do you know whether the civil authorities down there ever took any notice of those transactions?

Answer. No, sir; they did not. Major Kellogg had occasion to go and see the ordinary and sheriff of the county, to investigate cases where men had been confined and kept in filthy dungeons without anything to eat for four or five days at a time; the sheriff would go off and leave them there. He endeavored to get the ordinary and the sheriff to take some action in the premises, and they would not take hold of the case at all. I was sent to investigate one case of outrage upon a freedman named Brown, who came into camp one morning, and said that he had been attacked by a man for whom he was cropping on shares. He said that the man had attacked him with a knife, had cut him, and had threatened his life; that the man wanted to drive him off the plantation; that he had been cropping for the man on shares, and had got in about fifty or eighty acres of corn and cotton. This was about July, when the crop was ready to lay by, as they call it—that is, when they got through hoeing it. The man wanted to drive him off then, so that he might not have his share of the crop. I went to see the man for whom he was cropping, a Mr. Stubbs. I went to the house, and dismounted at the door. It was a large, wealthy residence. An elderly lady came to the door, and I asked her if Mr. Stubbs was at home. She did not reply, and I repeated my inquiries, when she said, "No," very sharply. I had dismounted, in the mean time, and was in the act of hitching my horse at the hitching-post in front of the door. She ordered me not to hitch my horse in the yard. I said, "This is a hitching-post; I want to wait until Mr. Stubbs returns, and I will hitch my horse, if you have no objection." She said she did not want me or my animal in sight. I said, "Madam, perhaps you don't know who I am; I am sent here to investigate some trouble between Brown and Mr. Stubbs." She said she knew very well who I was; that I was a miserable seeker for nigger votes. She opened on me pretty sharply. I retreated, and sat down near the fence. Mr. Stubbs then came from a field near by, and I went up and introduced myself to him. His manner led me to believe that I could not expect any very satisfactory interview with him; he was very short and ugly in his manner. Anyhow, he invited me to the house, and said that he would show me the contract between himself and the freedman, Brown. I sat on the porch, and he brought out the contract and showed it to me. Stubbs had drawn it up himself, as the party of the first part. By the provisions of the contract Brown was made to do whatever

Stubbs ordered him to do, under penalty of forfeiting his share of the crop; and Stubbs was to be the sole arbiter in all disagreements arising under the contract. I reproached him with his injustice in drawing up a contract so unjust to the freedman and so partial to himself. He laughed, and seemed to think it was a good thing. I told him that if he had any cause of complaint against Brown he should submit it to the civil authorities of the county, and the court would appoint an arbiter to decide between them. He said he would do as he was a mind to about it, and did not wish for, and would not take, any advice from the military. I called up my horse and went away, and my parting words were, that if he valued his liberty he must let Brown alone, and allow him to finish the cultivation of the crop. He said he would be damned if he would take any of my advice; that the military had nothing to do with his affairs, and I might go back and tell Major Kellogg so. I told Major Kellogg, and he ordered me to take a squad of men and bring him down to camp, which I did that night. He was very humble then, and said he did not intend any insult to me or to the major, and was sorry that I had misconstrued what he said. The major then gave him the privilege of appointing one arbitrator, the darkey the privilege of appointing another, and those two were to appoint a third, to decide upon what share of the crop Stubbs should pay to Brown. That was done, and the crop was parceled out between them. But just a day or two before we left we received notice from the wife of Brown that he had been arrested and incarcerated in jail for theft, on a charge made by this man Stubbs, and he lay there in jail when we left. I would like to mention a circumstance in connection with my visit to Stubbs. While sitting on the piazza of the house and talking with him, his manner was very insulting, indeed. I had as much as I could do to control my temper, and pass over in silence his innuendoes about the Yankees and damned blue-coats. There were two young men on the porch with him who had come out when he came up on the porch. I could see from the appearance of their clothes that they had revolvers on their hips. Suddenly glancing towards a side door I saw the form of a man peering around there, and from his manner I believed he was watching me. Once or twice afterwards, as I looked cautiously, I saw that a man was concealed there, and I perceived some polished metallic substance in his hands, which I recognized to be a gun-barrel. I then became aware that he was posted there and covered me, so as to riddle me with shot upon the slightest warning. I was confirmed in my opinion by seeing that he changed his position so as to still cover me when I descended from the porch to the ground. Major Kellogg questioned Brown about this circumstance, and he said there was a third man in the house. Stubbs denied the whole thing, and said that no one had arms at all.

Question. Where were you stationed at that time?

Answer. At Fort Valley.

Question. How long were you stationed there?

Answer. For two months; during July and August, 1870.

Question. In what county is that?

Answer. In Houston County.

Question. Where did you go from there?

Answer. I came back to Atlanta.

Question. How many troops had you down in Houston County?

Answer. One small company of about forty men.

Question. What was the feeling of the people towards them?

Answer. The people we went there to protect, or the people who made application for the troops, could not do too much for us. Those who had no use for us, as the saying is, let us severely alone. The cause of our going down there was the application of Mr. Griffin, a member of the legislature from that county, whose life, as he said, had been threatened; and the lives of several freedmen who worked for him had been threatened because they voted the radical ticket. That was Mr. Griffin's story; I do not know anything about it further than that. He treated us very kindly, and so did one or two others. We had no intercourse with the citizens outside of those few individuals. A few days before we left there, Major Kellogg was served with a Ku-Klux notice, threatening the lives of all of us if we did not leave. That notice, of course, might have been left by anybody; I do not know whether it was an authentic document or not.

Question. Did you have any other transactions with the citizens, excepting this one with Stubbs, and the transaction when you went to see the ordinary and sheriff about people being confined in the jail?

Answer. Major Kellogg had one or two that he investigated himself; cases of darkies who had been shot and came into camp and reported it.

Question. How were you soldiers received in White County, where you are now?

Answer. The same as in Houston County; the people we go there to protect cannot do too much for us, and the others have nothing to do with us at all. They are very civil to my face, but we hear of their cursing us; I do not know whether that is true or not.

Question. From what you have seen, and from your intercourse with the people, are

you satisfied that their wish for protection was sincere and well founded; that they were really apprehensive that, as things were, they would be in danger?

Answer. Yes, sir; and I think they are in danger now; I think their lives would not be worth a cent if the troops were not there. There have been three men killed or shot in the county in less than a year; and as they all belonged to the Union party, it shows that the murders are being committed from some motive other than that of personal difficulty. I am very cautious in going about up there, and I am cautious in regard to my men, not to expose them singly to any unnecessary danger. I feel confident that no one would attack us in any force, but it is possible that some reckless men might bushwhack, or shoot one of the men if he was out alone. I sent one man on duty one afternoon to serve a subpœna. He got lost in the woods, and did not get back in camp by night-fall. I sent two men out to hunt him up, and as they did not return, I mounted a horse and went to look for them, and was out all night long. The man was found in the morning, having lost his way.

Question. Suppose the authority of the United States in all its forms, military and civil, was withdrawn from the State, and the people here were left to work out their own purposes and plans, do you suppose the colored men, and those white men called radicals, would be secure in their persons and property all over the State?

Answer. Shall I give you my opinion?

Question. Yes.

Answer. My opinion is that they would not be.

Question. In how large a portion of the State do you suppose they would be secure?

Answer. Simply in the larger cities. Wherever I have been in the rural districts, it has been about an even thing between the old rebel element and the ex-Union element. It is my opinion that if the troops were withdrawn, the rebel element would drive out the whole Union element, and force them to leave the country. It is not the politics of to-day where I am, in White County; that is not at the bottom of it. They still keep up the old feeling between the secession and the Union element. All those parties who are in danger now were Union men during the war; several of them crossed the lines, and some were in the Union Army. The other party consists of the strong rebel element that predominated there during the war. They do not aim to get in politics up there at all. This one case of Mr. West, where he was called a radical, is the only case where I have heard of politics being brought into the matter at all. It is the old war feud still kept up.

Question. The hatred of the rebel element towards the Union element?

Answer. Yes, sir; there are a few exceptions to it; while some of the ex-rebels have gone over to the Union side, they are brought under the ban just the same as the old Union men.

Question. So far as your observation has extended, which is the most aggressive and violent in temper and conduct, the rebel element or the Union element?

Answer. The rebel element; they have every advantage on their side as a rule; they are the wealthier class, they control the lands, and property, and arms; they have every advantage in their favor.

Question. Are they generally well armed?

Answer. Yes, sir; they have no lack of weapons.

Question. What style of weapons do you find that they have?

Answer. Colt's revolvers and rifles are the most favored fire-arms with them. But both sides are well armed.

Question. Are the rifles of the modern style, or are they of the old-fashioned standard?

Answer. Mostly the old sporting rifle. Many of them have those cap and ball muskets that they have bought in the cities.

Question. So far as the execution of process from the Federal courts is concerned, is there any difficulty about it?

Answer. Do you mean serving warrants?

Question. Yes, and making arrests.

Answer. Yes, sir, there is. There is this difficulty about it: we have to hunt the men at night, and catch them in their beds, or else they run from us like deer. We cannot often serve a subpœna in the day time.

Question. Do you think that, anywhere up in that country, any one man, for instance a marshal, or any of his deputies, would be safe with a *capias*, as it is called—a process for arrest—and in attempting to execute it upon anybody excepting a radical?

Answer. No, sir. I do not think he would be allowed to arrest any one and take him out of the county. I do not think I myself would be allowed to do so with one or two men. Speaking of processes of the United States court, we have been quite unfortunate up there in making several arrests and bringing persons down here. The court failing to find true bills against them, those same parties have gone back, and are making their brags that the Yankees arrested them and could not do anything with them. Of course they talk still worse, and act still worse, on that account. I do not know the reason why they did not find true bills against them. I brought down two per-

sons here as witnesses against them, who were not called, and whose testimony would have convicted them. My evidence would have been point blank against them.

By Mr. LANSING:

Question. You say that these failures to indict have made matters worse in White County?

Answer. Yes, sir, a great deal worse. It is very desirable when we arrest men, and bring forward sufficient evidence against them, that they should be indicted. I brought two persons at this time, and I had myself put down on the presentment against them; but I was not called, and they have gone back scot free.

Question. And now you hear, a matter of boast and exultation up there, that you were unable to do anything against them in Atlanta?

Answer. Yes, sir.

Question. Your name was on the list of witnesses?

Answer. Yes, sir; I saw it put on myself; I was particular to have it done.

Question. And you were not called?

Answer. No, sir.

Question. How many were on that list?

Answer. Three—myself and two others.

Question. Were both of the others called?

Answer. One of them was; but that one knew the least of any of us.

Question. And those men have not been rearrested?

Answer. No, sir; they have gone back, and now brag that the Yankees have failed to indict them.

By the CHAIRMAN:

Question. With what were they charged?

Answer. Those two that I have spoken of were charged with illicit distilling. I brought down a witness against the Ku-Klux, a negro woman who was whipped, Mary Brown. She was a very important witness. She recognized one man positively, when they were both here. She was presented to the grand jury, but was not called, for the reason that she had her face bound up for the tooth-ache. I asked her why she was not called, and she said she did not know. Her mother said she was asked what was the matter with her, and she told the man that she had the tooth-ache; and the man said that she could not go before the jury. But she could talk as well as I can now.

By Mr. LANSING:

Question. The hostility of the Ku-Klux was against those who gave evidence against the distillers?

Answer. Yes, sir; or against those who are witnesses in the United States court.

Question. Against anybody who gives any evidence in regard to offenses against the law?

Answer. Yes, sir.

Question. Have you known of any Unionists, as you designate the loyal men there, being suspected of belonging to the Ku-Klux?

Answer. No, sir.

Question. What class is it that are supposed, and generally believed there, to constitute and make up the Ku-Klux?

Answer. The illicit distillers are believed to be at the bottom of it; I believe so myself. And with them is the old rebel element.

By Mr. BAYARD:

Question. Speaking of this matter of distilling, is it pretty largely carried on there illictly?

Answer. Very largely.

Question. Do you mean that the persons who are engaged in it are all of one political party?

Answer. No, sir; I would not make that assertion, because we brought down here, not long ago, two men who had been in the Union Army, who were charged with running illicit stills. They protested against being arrested, said they had been good Union men, had fought for the Union, and did not see why they should not be allowed to make a little whisky.

Question. For the Union?

Answer. I suppose so.

Question. That is a matter in which all parties are engaged?

Answer. Yes, sir.

Question. I understand you to say that, in great part, this Ku-Klux organization was intended to protect these people from arrest for illicit distilling?

Answer. Yes, sir.

Question. It being for that purpose, to afford a protection which is to be extended to persons of all parties, would you say that there was any politics in this organization?

Answer. I will explain why I think illicit distilling is at the bottom of the Ku-Klux organization in White County. About two years ago, when they first began to make whisky illicitly up there in any quantity, a man came down here and informed on two parties. Major Smyth made out warrants against those parties and placed them in the hands of Mr. Cason, his deputy; he held the warrants against them. Well, four or five illicit distillers up there made threats that he had better not attempt to make the arrests, (I am myself holding warrants against the same parties,) or, if he did, he would be killed. It seems that he did not dare to make the arrests, and Major Smyth had to send a special marshal from here, who arrested them; but they got away from him, and are still at large. Those warrants were again placed in the hands of Mr. Cason to execute, but while holding them he was killed. The only offense alleged against him is that he held the warrants against these men.

Question. It is a combination to protect these distillers in great part?

Answer. Yes, sir; one of the most influential men in that county, Mr. Satterfield, ran a distillery quite openly, and said that he could run it and make all the whisky he wanted. He had also been elected a justice of the peace. He continued to make his whisky until I went up there, when he went away. Although I have a warrant for him, I could not catch him; he has run off to Alabama; his office is vacant, and his plantation unoccupied. We captured his two sons and broke up his still-house.

Question. Your knowledge of these bands of Ku-Klux, I understand, is from hearsay. Have you any personal knowledge of them, except as you have stated; I mean of the people who compose the bands?

Answer. No, sir; I could not lay my hand on any particular man up there and say he belonged to the Klan. I wish that I could, for I would arrest him if I could. But I know there are lawless men there, for I have seen a woman who has been whipped, and I have seen men who have been shot. I have seen where Cason was shot, and I saw the blind that those men got in when they shot him.

Question. I believe you were asked a question as to whether the members of these bands were men who took sides in politics at this day, and I understood you to say in reply that you thought they were not?

Answer. I do think so.

Question. I will ask you if the distillation of spirits there is one of the radical causes for the formation of these bands, and whether that distillation is conducted by Union soldiers, who say that from their past services they have a right to engage in distilling?

Answer. We have found only two of them.

Question. There is no politics in distilling; and these bands you say are organized to protect those engaged in distilling; then, upon what ground do you say that one party or another embraces the greater proportion of those belonging to these bands?

Answer. Well, this man Satterfield, a justice of the peace there, owned a still, and, as I heard, he frequently made threats that they had organized the Ku-Klux there in White County on purpose to prevent the breaking up of the still. And one part of the oath or obligation was to drive out and wage war against the United States revenue officers who should come up there to break up the distilling.

Question. That was a common purpose of the parties engaged in distilling?

Answer. Yes, sir; with the exception of those two men who belonged to the Union Army, and nobody asserts that they ever did belong to the Ku-Klux.

Question. What number of troops had Major Kellogg in Houston County?

Answer. About forty; a small company.

Question. How many have you in White County under your charge?

Answer. I think I have fifteen there.

Question. You have been up there, you say, for seventy days?

Answer. About that length of time.

Question. You have been in Georgia since 1869?

Answer. Yes, sir.

Question. During that time has there ever been an assault made upon one of your men when in uniform?

Answer. I cannot now think of any personal violence ever having been offered them, but they have frequently been cursed and insulted.

Question. By low, drunken men?

Answer. I do not know whether they were drunken men or not. My men have frequently come to me and made complaint that certain citizens in White County had threatened their lives. When one of the men was sent for the mail, he was pitched into by one or two, and cursed as a damned Yankee. After that I sent the men out armed.

Question. No direct attack was made upon them?

Answer. No, sir.

Question. And none upon yourself, except the tirade of the old woman at the time you visited the man Stubbs; at no other time have you had any personal disrespect shown you?

Answer. No, sir.

Question. You have heard of disrespectful remarks made in your absence?
Answer. Yes, sir.
Question. When was this case of Stubbs investigated by you?
Answer. Some time in August, 1870.
Question. I understood you to say that a black man made complaint to Major Kellogg of some wrong done him in dividing the crops, and that Major Kellogg sent you to investigate it, and you did so, in the manner you have stated?
Answer. Yes, sir.
Question. And upon the failure of Stubbs to respond properly, and to satisfy you that justice would be done this black man, you reported him to Major Kellogg, and he sent you with a file of men to arrest Stubbs and take him to camp?
Answer. Yes, sir.
Question. You had no civil process at that time?
Answer. Georgia was under a sort of martial law at that time.
Question. In 1870?
Answer. Yes, sir.
Question. In what month?
Answer. I think it was in the month of August; possibly it was the last of July. Georgia was then a military district.
Question. Georgia was still under martial law?
Answer. Not exactly under martial law, but General Terry had the control of affairs to a great extent.
Question. He had supreme control of the State?
Answer. Yes, sir.
Question. And he deputed to you officers what authority he desired you to exercise?
Answer. Yes, sir. The orders of Major Kellogg gave me the right to arrest any parties.
Question. Was it your custom, and was it the intention of the authority given you that you were to interfere in cases of private contract between farmers and their hands if you believed injustice had been done?
Answer. That is the way I understood the orders.
Question. And you disposed of the cases as you thought consistent with justice and equity?
Answer. Yes, sir. As I stated, Mr. Griffin, a member of the legislature from that county, came to General Terry and told him that the civil authorities had declined to do their duty any longer, and that colored men could not get justice done them. It was on that representation that we were sent down there.
Question. This was an instance of your interference in cases of that kind under the orders of your superior officer?
Answer. Yes, sir; this was the second arrest that we made; the first was of the sheriff or ordinary of the county, I have now forgotten which, who was arrested and sent up to General Terry.
Question. Was that on account of the same matter of private difference?
Answer. No, sir; it was because he had refused to carry out the proper laws in some cases between blacks and whites. General Terry had the right to suspend a man from office and to appoint another in his place.
Question. Or to depute to his officers throughout the State—to yourself and others—the right and power to investigate and determine differences between farmers and their hands?
Answer. Yes, sir; and everything we did down there had to be reported to him in writing.
Question. Entirely without reference to the civil authorities in that section?
Answer. Yes, sir.
Question. How long did those orders continue?
Answer. We were there only two months. When we left, there were no troops at all there.
Question. You are now up in White County?
Answer. Yes, sir.
Question. You spoke of some person that you arrested there, and of some garb that you found in the garret of a house?
Answer. Yes, sir.
Question. Who was that person?
Answer. A person that the marshal had a warrant for, for firing upon a United States witness with a revolver.
Question. You were acting in aid of the civil authorities in making that arrest?
Answer. Of the United States authorities; yes, sir.
Question. Were they in pursuit of him with a warrant?
Answer. Yes, sir.
Question. And you found him?

Answer. Yes, sir; in an upper room of a house, with the door locked, and with two revolvers on his person.

Question. Whose house?

Answer. In his own house.

Question. And you found in that house the garb you have spoken of?

Answer. No, sir; we found that in his father's house.

Question. You supposed that garb to be the uniform of a Ku-Klux?

Answer. No, sir; I did not pay much attention to it. I thought it could have been something else as well as that. There was a possibility that it was used for that purpose, yet I would not assert that it was a Ku-Klux garb.

Question. Have you seen any Ku-Klux in Georgia?

Answer. No, sir; only in Alabama.

Question. And that was in 1868?

Answer. Yes, sir.

Question. Was the garb they wore there the same that you saw here?

Answer. Well, the garb we found was a sort of black cambric gown.

Question. You have spoken of the difficulty of making arrests, and of the necessity of making the arrests at night?

Answer. Yes, sir.

Question. I need not ask you whether an arrest at night is not more dangerous to the person who makes it than an arrest in the day-time?

Answer. Yes, sir; if the party to be arrested intends to resist.

Question. Do you not mean by difficulty in making arrests that it was an evasion of the arrest, and not any forcible resistance?

Answer. Yes, sir.

Question. The parties got out of your way?

Answer. Yes, sir; lay out, as they call it.

Question. That constitutes the difficulty in making arrests?

Answer. Yes, sir; I have never had any opposition to arrest made to me personally. One or two officers of my regiment have been resisted.

Question. They are in this State?

Answer. No, sir; they are not. One is in South Carolina. He was sent up into one of the northern counties in this State and arrested a man, and about three hundred of the citizens forced him to give him up.

Question. What was the alleged offense?

Answer. Murder. It was in 1870, during the time that General Terry was administering affairs here.

Question. That was during the period of military law?

Answer. No, sir; the writ of *habeas corpus* was not suspended. I do not know exactly what the condition of affairs was, but General Terry was above Governor Bullock.

Question. It was during that time that the murder was committed, and resistance to the arrest was made?

Answer. Yes, sir. The officer told me of the circumstances of the case; he said that he had twenty men given him to proceed up in Chattooga County and arrest this man and bring him to Atlanta. He arrested him, and came into the town of Summerville, where he had to stop over night. He was twenty miles from the railroad, and had to march to the railroad the next morning. During that night some three hundred Ku-Klux, as he claims, gathered together, and their leader came to him in disguise and demanded that he should release this person. All his command will testify that those disguised men were circulating around among them. One man in particular will tell you that one of the disguised men came up to him and asked if he knew who he was. The man said "No;" and then the disguised man said, "I am ——," giving some name, "from the battle-field of Shiloh." The lieutenant was forced to give the man up. He was court-martialed for it, and came very near being put out of the service.

Question. That case was reported to General Terry?

Answer. Yes, sir; and General Terry believed he should have held the man at all hazards. I know of another case, where an officer was attacked by a band of men who attempted to release his prisoners. He fought them, however, and repulsed them, losing two of his horses, and brought away his prisoners. He was Lieutenant Summerhayes, of the Eighth Infantry.

Question. What was the name of the other officer who you say was resisted?

Answer. His name was Lieutenant Hyer.

Question. Was Lieutenant Summerhayes attacked by an inferior body to that which attacked Lieutenant Hyer?

Answer. He had an inferior force to that of Lieutenant Hyer.

Question. You spoke of a man being confined in prison in Hall County, and gave it as an instance of the ill-feeling and injustice existing in White County. It was the case where a difficulty arose between two men, and one called the other a damned radical, and blows followed. I understood you also to say that it was the only case to your knowledge in which politics of the present day seemed to have any part at all?

Answer. Yes, sir.

Question. You say that man was arrested under a warrant in Hall County, charged with an assault with intent to kill?

Answer. Yes, sir.

Question. That is a felony?

Answer. Yes, sir.

Question. And you say that he was imprisoned in default of bail?

Answer. Yes, sir.

Question. Have you any knowledge of any attempt to release him upon bail, except what his father told you?

Answer. No, sir.

Question. You were not present in Hall County, and did not examine the record, and you know nothing of the affidavit that preceded the warrant for his arrest?

Answer. No, sir.

Question. All you know of the case is what his father told you?

Answer. Yes, sir. I think I stated that his father came to my camp and asked me to protect his son from the Ku-Klux.

Question. Does not the writ of *habeas corpus* now run in Georgia?

Answer. I think it is in force.

Question. Do you know, therefore, any cause why a man may not now procure a writ of *habeas corpus* if he chooses to apply for it properly, and to the proper person?

Answer. Yes, sir; I do. Up in the country where lawyers deal with men of very limited education they can come sharp tricks upon them, and deprive them of many rights to which they are entitled. Mr. West told me that after his son was bailed on this first charge of assault and battery he swore out a warrant against his antagonist, and had him arrested on a similar charge, and they tried the case before two of the justices, one of them this man Satterfield, who has since run away for illicit distilling, and another by the name of Roberts. The man last arrested, whose name is Jackson, employed a Mr. Palmer to defend him. West was called on the stand to give his testimony. He stated all the circumstances of the case, the time, and all that. He had scarcely given his testimony when the defendant's lawyer jumped up and moved that the case be thrown out of court, as the witness had not given any locality.

Question. Had not proved where the assault was committed?

Answer. Yes, sir; and the case was thrown right out of court at once, without allowing him any chance to make the statement, as he could have done.

Question. You came from New York?

Answer. Yes, sir.

Question. Have you attended the trial of cases in the court of quarter sessions where similar cases were tried?

Answer. I have been engaged in cases before juries.

Question. Are you a member of the bar?

Answer. No, sir.

Question. You were concerned as a party or as a witness?

Answer. Yes, sir.

Question. I am speaking of cases tried before courts duly organized.

Answer. I understand you.

Question. Have you not constantly known of men guilty of offenses escaping because of some defect in the proof; is it not a common thing for that to be done?

Answer. Not to my knowledge.

Question. Then your experience as a criminal lawyer is very limited?

Answer. It is very limited; I am not a lawyer at all.

By Mr. SCOFIELD:

Question. Suppose that West had been the defendant; would there have been any such sharp trick played?

Answer. His father claims not.

By Mr. BAYARD:

Question. It was the act of a lawyer endeavoring to get his client clear?

Answer. Yes, sir.

Question. By this sharp trick, as you call it, he claimed that his opponent had not proved the case, because he had not proved the *locum in quo*, where the assault and battery had been committed?

Answer. Yes, sir.

Question. Are there not gentlemen of the bar here in Atlanta and in the adjoining portion of the State who are eminent men, and who do their duty by any persons who employ them?

Answer. I think there are, although I have no intercourse with them.

Question. As it is not necessary to employ a lawyer in any particular county, why is

it that a writ of *habeas corpus* could not have been obtained; is there any obstacle in the way?

Answer. There is no legal obstacle that I know of.

Question. Was there any attempt made to obtain it?

Answer. His father told me so.

Question. What was the attempt?

Answer. His father said that he employed a lawyer, and feed him, to get out a writ of *habeas corpus*, and the ordinary declined to issue it because Mr. West was a resident of another county; that was the only reason in the world which he gave. I told Mr. West that I did not believe it was a valid reason.

Question. Was this ordinary the only person in the State to whom the application for a writ of *habeas corpus* could be made? Could not any justice of the supreme court have issued that writ in this city, or in any part of the State?

Answer. I think so.

Question. And no attempt was made to get anybody else to issue a writ of *habeas corpus*?

Answer. No, sir; not up to the time I left there. I advised Mr. West to do so, and told him there was no valid reason at all why it should not be issued.

Question. And you want to go back there and escort that young man to the place of trial?

Answer. I would like to be there to save his life.

Question. Is it the practice of the military in this State to maintain that supervision over the public peace?

Answer. Yes, sir; I have the order of General Terry to that effect.

Question. Not limited to any particular case?

Answer. No, sir. It says that by the common law every citizen is to use his utmost endeavors to prevent the commission of felonious assaults or felonious destruction of life and property; and it goes on to say that the word "citizen" must mean any one of the people; and if a citizen becomes a soldier he is not thereby relieved from his obligations as a citizen; and, therefore, a soldier is as much under that obligation of the citizen as if he did not wear a uniform. And he further enjoins upon all officers to use their utmost endeavors to prevent any felonious destruction of life and property.

Question. Under that order is it the practice of the military in this State to become the conservators of the peace in the various counties; and do they, upon application of individuals, undertake to guard and protect them?

Answer. That has been my experience.

Question. Then you would detail troops to protect any one who signified to you that he needed protection?

Answer. If he made it apparent to me that he was in danger; it is left to my discretion, and I would be very cautious about it.

Question. You would detail troops to go to any part of the county to escort any man to and fro?

Answer. I have already had to do it in White County, in the case of two of the witnesses before the United States court. They were arrested on warrants, sworn out in White County, for assault. They made it apparent to the marshal that their lives would be in danger if they went up there without protection, and the marshal asked me to furnish a guard for them, which I did. The marshal wanted ten men, as he feared there would be a great deal of trouble. With that number of men I thought I had better go along myself, and I did so; but nothing transpired.

Question. Against whom had these men been testifying?

Answer. Against parties who fired upon them in Cleveland a few months before. They were originally witnesses against distillers up there, and their lives had been threatened. They were told that if they came to Atlanta they would be killed, and at one term of the court they did not dare come down here.

Question. Was the case of Mr. Holcombe one of those cases?

Answer. He was not one of those parties.

Question. In how many parts of Georgia are there troops now?

Answer. There are posts at Atlanta and at Savannah; I do not know whether there are any more; there are a great many detachments scattered about through the State.

Question. Are troops detached and detailed to go to any part of the State, wherever they are required, from the barracks at Atlanta and Savannah?

Answer. That has been the custom.

Question. In any of those cases where they have gone out have you found that there has been any forcible resistance to them, since General Terry has abated his rule?

Answer. The only case I have heard of was that of Lieutenant Hyer.

Question. That was while General Terry was commander of the State?

Answer. Yes, sir.

Question. And commanded the State of his own will?

Answer. You must mean, then, since last January?
Question. Yes.
Answer. I have no recollection now of any case.
Question. They go to different parts of the State?
Answer. I am ordered to White County at the request of the marshal; I do not know upon what grounds General Terry orders the military to other parts of the State.

By the CHAIRMAN:

Question. There has been no open resistance?
Answer. None that I have heard of.
Question. Suppose the marshal or a single deputy were to go by himself to make arrests, would there be any danger?
Answer. He says he would not risk his life. The deputy marshal intends to go up in White County next week, and he requests me to send a guard to him at Gainesville.

By Mr. BAYARD:

Question. You spoke of the formation of night companies to picket the roads when they thought this Ku-Klux band were about to make raids?
Answer. Yes, sir.
Question. How long have those companies been in existence?
Answer. Those parties said they organized them some time in June or July last.
Question. Are they widely spread?
Answer. I have heard of them in only that one county.
Question. Do you know the extent of the organization there?
Answer. I have seen some twelve or fifteen men who said they were members of it, and that they broke up, by their organization, the raiding of the Ku-Klux.
Question. Have they pretty effectually broken it up by means of this counter organization?
Answer. I think they have effectually stopped their going about at night.
Question. You do not know how many compose that organization?
Answer. I have heard only twelve or fifteen say they belonged to it; I think that is about the extent of it.

By the CHAIRMAN:

Question. You spoke of the people in that county being divided into the old Union and old rebel element?
Answer. Yes, sir.
Question. As a general rule, how do the old Union people act now, with which political party; the republican or democratic?
Answer I hardly know; I have not troubled myself even to inquire of them about it. I have heard politics mentioned there so little that I do not know how the people do stand.
Question. You do not hear the words "republican" and "democrat" up there?
Answer. Not a bit of it.
Question. It is "rebel" and "Union?"
Answer. It seems so.

By Mr. LANSING:

Question. Where was the murder committed for which Lieutenant Hyer made the arrest?
Answer. Some fifteen or twenty miles from Summerville, in Chattooga County.
Question. Do you know the circumstances of it?
Answer. I do not.

By Mr. BAYARD:

Question. That was in 1870?
Answer. In March, 1870.
Question. During the existence of martial law in this State under General Terry?
Answer. I do not think there was martial law.
Question. Was it while General Terry was the military ruler here?
Answer. It was while Georgia was a military district.

ATLANTA, GEORGIA, *October* 24, 1871.

CHARLES HENDRICKS (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I am about forty-two years old; I was born in Butts County, this State; and I now live in the city of Atlanta.

Question. How long have you been living in Atlanta?

Answer. I was living here all during the war and until year before last, when I went up into Gwinnett County, and bought a piece of land near Pinckneyville district.

Question. How long did you live in Gwinnett County?

Answer. I lived there three years.

Question. When did you leave there and come back to Atlanta?

Answer. I left there last year, during the time of the State election; in November, I think.

Question. Had you anything to do with that election?

Answer. I had.

Question. In what capacity?

Answer. I was one of the committee of election, to superintend it. I have my commission in my pocket, and here it is. [Handing the chairman a paper, as follows:

"EXECUTIVE DEPARTMENT, STATE OF GEORGIA,
"*Atlanta, Georgia, December* 8, 1870.

"CHAS. KENDRIX, [HENDRICKS,] Esq.,
"*Norcross, Gwinnett County.*

"SIR: I am instructed by his excellency the governor to inform you that, in pursuance of your appointment by him, you were, on the 1st day of December, 1870, confirmed, by the honorable the Senate, as a manager, to hold the election at the precinct established at Norcross, in the county of Gwinnett.

"Respectfully yours,

[SEAL.] "H. C. CORSON,
"*Secretary Executive Department.*"]

Question. I notice that this paper is dated the 8th of December; I suppose the election was held in December?

Answer. Yes, sir; that is right.

Question. Did you find any people up there in Gwinnett County that they called Ku-Klux?

Answer. I did.

Question. Tell us what you know about them.

Answer. They came to my house; they first called me out——

Question. Before you go on, state when that was; whether it was before the election or after.

Answer. It was two weeks before the election.

Question. After this commission was given you?

Answer. Yes, sir; just exactly two weeks before the election.

Question. Did they know you had the commission?

Answer. Yes, sir; it was published, and they knew it.

Question. How many of them came?

Answer. I never saw but two of them I knew, Wilson and Edmunds.

Question. How many were there in the crowd?

Answer. I could not tell exactly; several of them; I had such a hard scuffle with them; my wife ran out and hollered, and they ran off.

Question. Was it in the day time or at night?

Answer. At night.

Question. Were they disguised?

Answer. Yes, sir.

Question. Were they riding or walking?

Answer. They were walking.

Question. Go on and tell us all about it.

Answer. They called me out, and I started to the door. I knew Wilson's voice, because I was well acquainted with him. My wife told me not to open the door until I made up a light. I was living in what we call a log-cabin in our part of the country; I looked through a crack and saw him. I made up a light, and then went and got into bed and lay right down. I did not think they would break open the door. They found I had laid down, and they broke open the door and came in. Edmunds said that he was going to shoot me right down. My wife just got up and ran out of doors and hollered. I begged them not to shoot me. I said: "Now, Mr. Wilson, don't you shoot me; I have done nothing in the world to you; don't you do it; I know you and Mr. Edmunds both." He came to the conclusion that he would carry me into the woods and hang me. He said to Edmunds, "Let's carry him out and hang him, and then shoot him." I put on my pants, that lay there, and he came to the conclusion that I was going out willingly. They had their pistols in their hands, and I gathered both

their hands and tried to get their pistols away. I tusseled with them until I got to the door, and then I broke and ran, and they shot me.

Question. Where were you hit?

Answer. In the thick part of my thigh; the ball went into my bowels; Doctor Profit, of this city, took it out. The gentleman I was working for at the time happened to be up on Monday morning; it was done on Sunday night. I was there framing a railroad bridge; I am a carpenter. He came up Monday morning and had me sent right to town, and I have been here ever since. I had a little difficulty once before that with Wilson, at the time of the governor's election. I went up to vote, and he just walked up right behind me and knocked me down with a stick. I got up, and the 'squire of the district told him that he had better behave himself. I started on home; I did not live far from the court-house—about half a mile. The 'squire called me back and told me that I should have a chance. I started back, and Wilson came up to me and cut my coat with his knife. I believe, though, it was made up amongst a party of them there because I took a part in the election; I am satisfied it was.

Question. Who is Wilson?

Answer. His name is Hiram Wilson.

Question. Where does he live?

Answer. He lives right there in the same district of Pinckneyville; you may say at Norcross.

Question. What is his standing in the community?

Answer. He has not a very good recommendation; he is what we call a drunkard; he has got pretty low down principles.

Question. Has he much property?

Answer. I think he has but very little property; he had a right smart piece of land, a very good property; a piece that Norcross is now built on. He owned that, and sold it to Mr. Thrasher. I do not know what he has in money, but I think he has now about four or five acres of land.

Question. How old a man is he?

Answer. Not very old; I reckon about thirty-five, to the best of my judgment.

Question. Did he own slaves before the war?

Answer. He did not.

Question. Did his family own slaves?

Answer. Not that I know of.

Question. Was he in the rebel army?

Answer. I think probably he was. I never knew anything about him until I went up there. Dr. Parks was a member of the legislature, and I was building a house for him. I took an active part in trying to teach the colored people of that district what to do, and they just concluded that I should not live there.

Question. Had you had any personal difficulty with Wilson except on election day?

Answer. No, sir.

Question. Had anything ever passed between you and him before he knocked you down at the polls?

Answer. No, sir.

Question. This paper which you have handed me, your commission, seems to be stained, is it with blood?

Answer. No, sir, it is not a blood-stain; I think it came off my purse.

Question. How long were you in recovering from the effect of the shooting?

Answer. The whole of last summer. I was pretty badly shot; I was not able to do anything the whole of last summer.

Question. Are you as well now as before you were shot?

Answer. I am not entirely well; I have spasms from it sometimes; I had one to-day up here in the room.

Question. How seriously does it interfere with your labor as a carpenter?

Answer. Sometimes I have them up on top of a house where I am at work. Finally, I have got so that I cannot go on top of a house much, because I am afraid to risk it. If I am on the ground I can, probably, make out very well. The parties I work with know that I have them.

Question. Has any attempt been made to bring these men to trial and punishment in the courts there?

Answer. Yes, sir; I came here and had a warrant taken out for them, and had them before the court at Lawrenceville. He claimed that he was not ready for trial, and they put off his trial; I went up there this last term of the court and they burned up the court-house and all the documents. John Thrasher, George Jones, Abel Greer, and old man Tom Jones, went his bond for $1,000; three of them went Edmunds's security for a thousand dollars; and Edmunds ran away and left his security.

Question. Where is the other man?

Answer. He is up there.

Question. Is he under bond now?

Answer. Yes, sir; but they have burned up all the documents and everything of that

sort, and it seems to me that I would have a great deal of trouble up there to get at the right of it; and I thought I would try before this committee and see what they could do with it.

Question. Did you go before the grand jury?

Answer. I did.

Question. What did they do?

Answer. They found a true bill against him.

Question. How long ago did you first hear of the Ku-Klux up there?

Answer. Well, sir, they have been up there for three years; I have not been in the county for more than three years; I married my wife here, but her father lives up there; she wanted to live close by her father, and I went up there. I thought I would buy me a piece of land and settle myself in the country, and not have so much renting to do; but I could not stay there; it is no use to me now.

Question. Have you sold your land?

Answer. No, sir.

Question. When you went up there did you find that the Ku-Klux were in the county?

Answer. Yes, sir.

Question. What have they been doing?

Answer. They have been disturbing both white and black; whipping some, robbing them, taking what little money and other things they had, and so on.

Question. You say they shot you; did they do anything more to you, or did they then go off?

Answer. They went off; it was not very far to my father-in-law's; my wife made such a fuss that they ran off; there were some other parties there, but I could not get a chance to see them, and cannot swear to them; I could not tell exactly how many there were; I suppose they were afraid to stay any longer; my father-in-law knows every man in the settlement.

Question. So far as you know, state whether those who are Ku-Klux belong to one political party; and, if so, which party it is.

Answer. I think they belong to one political party; I think it is a collusion amongst them; I think they belong to the democratic party; that is my opinion about it.

Question. To what political party do the men that they whip and abuse belong?

Answer. They are all republicans that I ever knew anything about; all I ever heard about in our part of the State that they abused were of republican principles. I never knew a man interfered with yet but what was a republican; I do not think you will find in your examination here that any man has been interfered with but what is a republican.

By Mr. BAYARD:

Question. Was this outrage upon you committed after the election was held?

Answer. I was shot before the election.

Question. What is the population of that county?

Answer. I could not tell exactly what it is now, but it is pretty strong.

Question. How many people are there in the county, I mean?

Answer. I know what you mean; I could not tell exactly how many people or how many voters there were there; but then they are right strong; I have no idea how many.

Question. How many votes were polled on both sides at that election?

Answer. I cannot tell you; after I was shot I came down here.

Question. Were you not the superintendent of that election in 1870?

Answer. I was not able to be there; I do not know how many voters there were.

Question. You did not superintend the election on account of the injuries inflicted upon you?

Answer. No, sir.

Question. You do not know the population of Gwinnett County?

Answer. No, sir.

Question. You do not know how many colored people there are in it?

Answer. No, sir.

Question. Or how many white people there are in it?

Answer. No, sir.

Question. You do not know how many votes were polled by each class?

Answer. No, sir.

Question. How many superintendents of election were there in the county; one for each district?

Answer. There are three for each district. This says, "You are confirmed as a manager to hold the election at the precinct established at Norcross."

Question. Were there any other managers at that precinct?

Answer. Yes, sir.

Question. How many?

Answer. Two.

Question. Who were they?
Answer. One was Mr. Boyce, and I do not recollect now who the other one was.
Question. Were either of those others colored men?
Answer. I was the only colored man among them.
Question. Were the other men of the same politics as yourself?
Answer. Meshach Boyce was.
Question. You say that this man Hiram Wilson was a pretty low fellow, and given to drinking?
Answer. Yes, sir.
Question. He had assailed you in 1868 at the governor's election?
Answer. Yes, sir.
Question. How many came to your house and attacked you at the time you were shot?
Answer. I could not tell exactly how many came there.
Question. How many did you see?
Answer. I saw two, and then there were some out of doors; I had a scuffle inside of the house, and my wife ran out of the house screaming and hollering.
Question. You did not see those who were outside?
Answer. No, sir.
Question. You merely supposed there were some there?
Answer. I was satisfied there were some there.
Question. You did not see them?
Answer. No, sir.
Question. Were Wilson and Edmunds disguised?
Answer. Yes, sir.
Question. How?
Answer. Wilson had on his wife's dress. My wife is well acquainted with them, and she knew that he had on his wife's dress, and an oil-cloth patch over his face, and his face blacked up. Edmunds had on a kind of shawl and something over his face; I could not tell exactly what it was.
Question. How did you recognize Wilson?
Answer. By his height and voice and by his teeth; they are all knocked out in front.
Question. You had no difficulty in recognizing him?
Answer. No, sir.
Question. You are certain it was he?
Answer. Yes, sir.
Question. Was there an indictment found by the grand jury of Gwinnett County?
Answer. Yes, sir.
Question. Was that indictment burned up in the court-house?
Answer. Yes, sir.
Question. The first time the case came up for trial there was a continuance?
Answer. Yes, sir.
Question. Why?
Answer. He said he had not his witnesses there.
Question. The second time the case was to come up the court-house was destroyed?
Answer. Yes, sir.
Question. Was there any other indictment?
Answer. No, sir.
Question. That is still pending?
Answer. Yes, sir.
Question. When will it be tried?
Answer. I do not know; as soon as ever they get a court-house, I suppose.
Question. You mean some place to hold court in?
Answer. Yes, sir.
Question. Who is the gentleman who prosecutes cases in that county?
Answer. Mr. Marler.
Question. Who is the judge?
Answer. I know his name, but I cannot call it to recollection now.
Question. Are both the solicitor and the judge appointed by Governor Bullock?
Answer. I think they are elected.
Question. Do you think the judge is elected?
Answer. Yes, sir, by the civil authorities, and the solicitor, too.
Question. Do you speak from inquiry and knowledge upon this subject?
Answer. No, sir; but I think they are not appointed by the governor. I do not exactly know whether they are or not, but I am of the opinion they are not.
Question. Your case is still pending in that county?
Answer. Yes, sir.
Question. What was the charge against this man; shooting with intent to commit murder?
Answer. Yes, sir.

Question. That was the offense he was indicted for?
Answer. Yes, sir.

By the CHAIRMAN:

Question. I understood you to say that you had been before the grand jury of the Federal court here; I was mistaken in that, was I?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 24, 1871.

MARTHA HENDRICKS (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I will be twenty-eight years old next March; I was born in Gwinnett County, but I now live in Atlanta.
Question. When were you married?
Answer. I have been married going on four years since I married my present husband. I disremember what time in the year it was, but I was married in Milledgeville.
Question. Did you go to live in Gwinnett County after you were married?
Answer. Yes, sir. We staid in Milledgeville three months, and then we went to Gwinnett County, and my husband bought some land there. We were living there until about this time last year, when he was shot.
Question. Tell us what you know about his being shot.
Answer. They came there on Sunday night. We were in bed. They called him three times; Mr. Wilson said, "Hendricks," three times. I did not know whether he was awake or not. I was awake, for my baby was fretting, and I was attending to my baby. I said, "Mr. Hendricks, somebody is calling you." He said, "Who is that?" I said, "I don't know who it is." They called him again, and he said, "Who is that?" They said, "A friend; get up and come out; it isn't any one who has come to hurt you." I said, "Mr. Hendricks, you make up a light before you go to the door to anybody; make up a good light." He made up a light, and as soon as he made a light Sam Edmunds bursted the door down, and came right in. He walked right across the floor, and then came back. At that time I had got out of bed, with my baby in my arms. Mr. Edmunds took me by the right arm, and held me, and told my husband that if he moved he would shoot his damned head off. Mr. Wilson came in and took an ax there was there and threw it out of doors, and then came back and said, "Hendricks, where is the money you have drawn?" He said, "I haven't drawn any money." Mr. Wilson said, "You are a damned liar." My husband said, "I haven't any money; I spent all I had in provisions Saturday night." He said, "I am going to hang you; my business to-night is to break your damned neck." Mr. Wilson had me by the neck, and Edmunds by the arm. He let me loose. As I went around one shoved the door to. My little girl jumped out of bed and said, "Ma, who is it?" Mr. Wilson turned around, and as he did so his bonnet fell off his head. Mr. Wilson had on his wife's dress. I knew him, and called him by his name. I said to my husband, "Charley, Wilson has thrown your ax out of doors, and you have nothing to defend yourself with." I knew Wilson and Edmunds both. Wilson first tried to change his voice, and then came right out. I ran out of doors to go to my father's, who lived a half a mile from there. When my litttle girl came out behind me she said, "Ma, I see another man come out there." When I got down to my father's I said to Mrs. Grogan, "Where is Mr. Grogan?" She said, "I don't know where he is; what do you want with him?" I said, "I want him to go back with me; I want to see if Mr. Wilson and Mr. Edmunds have killed Charley." She said, "I don't know where he is." My father said, "You stay here, and I will go and get Mr. Fields and Mr. Kemp to go up there and see whether they have killed him or not." At that time I heard four pistols fired, and he said, "I expect he is killed." I said, "I am afraid to stay in the house, and I will go up to Mrs. Grogan's and stay." I went up there and sat down by the fire. Mrs. Grogan said, "You have come down here and scared us nearly all to death; go down to your father's." I said, "He has locked the door, and I know I cannot get in." She said, "Go on and see." I went on, but I could not get in. I came back and said, "Mrs. Grogan, it is cold; please let me come in and sit down by the fire until father gets back." She said to a little boy, "Get up, Charley, and let her in." She said to me, "Who do you think it was that shot Hendricks?" I said, "I have no right to think anything about it; it was Mr. Wilson and Mr. Edmunds." She said, "You think it is Edmunds?" I said, "I will swear to it." At that time her little grandson said, "Aunt Martha, uncle Hiram (that is Mr. Wilson's name) and Mr. Edmunds were up here to-night, an hour and a half ago, and called papa out, and he went off with them." The child did not more than get through telling when Mr. Grogan came up on the

piazza. Mrs. Grogan ran out there and whispered something to him, and he then came in. Mrs. Grogan says, "Martha has scared us to death to-night." He said, "How?" She said, "She came in here and said that some men had gone up there and killed Hendricks." He said, "Hendricks is not killed; he got away from them." Now, how should he know that if he was not there? Mrs. Grogan tried to make the child hush, but he said three times that his pa went off with them. We all went back there, but could not find my husband. I came back down to my father's and staid that night. The next morning we tried to find him, but could not find him. There was a traveler who staid all night with Mrs. Grogan. He said to me, "Aunty, have you found your husband?" I said, "No; we cannot find him." He said, "I could have been in the fuss last night, if I would; but I don't interfere with anybody that does not trouble me." In about a half an hour Mr. Grogan sent me word that Charley was at Norcross, badly wounded. I went right on there; it was 12 o'clock when I got down there. His boss told me that he was going to send Charley to Atlanta, where he could have protection. He got him on the train, and sent him to Atlanta Monday evening. Mr. Profit attended him about two months before he was able to walk about or do anything.

Question. How far did you live from Norcross?

Answer. About two miles and a half.

Question. How far from Mrs. Grogan's?

Answer. She lived about a half a mile from where my husband had bought him some land.

Question. Did your husband's land join the land owned by Mr. Grogan?

Answer. Yes, sir; it ran right down there.

Question. Had there been any difficulty in any way between your husband and Mr. Grogan?

Answer. None at all. Year before last, I think, when there was an election, my husband went up to vote, and this same Mr. Wilson tried to kill him; he stepped up to him and cut through his coat and shirt.

Question. Had Mr. Grogan ever had any difficulty with your husband?

Answer. No, sir; he never had any fuss that I know of with Mr. Grogan.

Question. Was Mr. Grogan of the same kind of politics with your husband?

Answer. No, sir.

Question. When you went to Mrs. Grogan's why did she not want you to go into the house?

Answer. I do not know.

Question. What reason did she give?

Answer. She said she was sleepy and wanted to go to sleep; that was all.

Question. Where was your little baby all this while?

Answer. I had it in my arms.

Question. How old was it?

Answer. It was going on two years old at that time: my little girl was eleven years old.

Question. Had you any other children?

Answer. I had one more, a little boy eight years old; but he did not live with me.

Question. You had none younger than the one you then had in your arms?

Answer. No, sir.

Question. How many persons did you see there that night?

Answer. I did not see any one but Mr. Wilson and Mr. Edmunds; my little girl said that she saw a man, as she came out of the door, dart behind the house: I was so excited that I did not do anything when I got out of doors but to run and scream until I got to my father's; I met Mr. Wilson the next morning and told him that he had done it, and he did not deny it; he says now that if my husband ever comes back into that settlement again he will kill him.

Question. What has he, or any of them, against your husband?

Answer. I do not know. My husband was appointed by Governor Bullock as one of the managers of election; my father has told me since this occurred that he heard several of them say that no negro should be a manager of election up there; that they would kill him first; that is all I know they had against him, and I did not know that until after he was shot.

By Mr. BAYARD:

Question. Who said that?

Answer. Mr. Wilson for one.

Question. The one who hurt your husband?

Answer. Yes, sir.

Question. He is now under indictment for this offense?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did any others say it besides Mr. Wilson?

Answer. When my husband was so sick in the summer they had it reported up there that he was dead; Mr. Grogan said it was a fine thing he was dead; that if he was to go up there he could not live long.

Question. Did you hear him say that?

Answer. No, sir; my brother-in-law heard him say it; I never have spoken to him since he had that affray.

ATLANTA, GEORGIA, *October* 24, 1871.

JAMES ATKINS sworn and examined.

The CHAIRMAN: This witness having been called at your instance, Mr. Bayard, you will please begin his examination.

By Mr. BAYARD:

Question. I have asked that you should be summoned here, understanding that you are a United States officer.

Answer. I am collector of internal revenue for the fourth district in this State, and have been since September, 1865.

Question. Are you a native of Georgia?

Answer. Yes, sir; I was born about forty miles from this place, in Henry County.

Question. Our object is to ascertain the condition of your people here so far as relates to their peace and good order. I therefore will ask you what is the condition of the society of Georgia, so far as the same is known to you, for good order and security for person and property under the laws.

Answer. Well, that is a pretty broad sort of a question.

Question. I do not know how to introduce the subject differently.

Answer. Generally, our community here is pretty peaceable, but there are a great many outrages in different parts of the State, as reported to me. I have never witnessed any outrage, except here in the city; I have witnessed fights, such as will occur in any place. I was myself an eye-witness to one or two homicides that took place where the parties were afterwards tried and acquitted.

Question. Have the offenses to which you have referred as having been committed here differed in their character from ordinary offenses of that kind in cities, from ordinary breaches of the peace?

Answer. I presume not. I suppose you have reference to whether there was any combination of men; there was nothing of that sort.

Question. There were personal collisions between individuals?

Answer. Entirely so; growing out of quarrels that I knew nothing about.

Question. You lived in Georgia before the war?

Answer. Yes, sir.

Question. Are there now, in your opinion, any more breaches of the peace than there were before the war?

Answer. I think there are considerable more, from public report, and from information that is brought to me, that I have no reason to doubt. We were a very peaceable community before the war; we hardly ever had any difficulty except at public gatherings, when men would occasionally get into a fight. But there is now a general state of lawlessness here that is considerably in advance of anything we knew before the war.

Question. Is not that natural to the condition of a people coming out of such a war?

Answer. I think it is very likely.

Question. Do you believe that, in the community where you reside, there is equality of justice in your courts of law?

Answer. Well, that is a pretty hard question for me to answer. I think our judges administer the law as justly as it is possible to be done. I think our juries are probably influenced more by the feelings that have grown out of the war than they used to be. I think those feelings enter into almost everything that is done and said in our community. I think they look at everything very much in the light of their prejudices and the feelings growing out of the war. Their feelings towards the negro are unquestionably changed from what they were in former times. The feeling of the old master towards his slave was very different from that which he now has toward the freedman.

Question. There is an absence of that sense of protection that existed under the old system?

Answer. I think so, to a very great extent. I would express my idea about in this way: neither knows exactly how to do, or to act towards the other; they have not adjusted themselves to their new relations. The white man feels a little unkind towards the negro, and inclined to think that the negro is a little ready to steal and rob; at the same time the negro has something of a corresponding feeling towards the white man.

That, I think, is natural between the two, and its influence operates very largely upon our juries in the cases of trials between the whites and the blacks. It operates in our church relations, our social relations, in fact, in all the relations of life.

Question. Are you not aware that in the northern States of this country the difference of opinion in respect to the war has broken up society a great deal there?

Answer. I have spent some time in the North and have seen that to some extent. I take it for granted that a war, especially a war between sections and peoples like ours, calls forth the deepest feelings of the human heart; and wherever men differ upon that subject they are apt to get along badly and feel unkindly towards each other. In fact, I do not know of a single instance of a feeling of warm friendship existing between those of different politics. I see that some of the best friends I used to have now differ with me, and we do not associate much with each other; we live more upon our past friendship. I do not think it is possible to disguise the fact that there is a feeling here akin to the feeling men entertain when they are in hostility one to another. They feel that the cause is not yet forgotten, and every one arrayed on the one side feels a corresponding hostility to those on the other side.

Question. Do you think that the feeling is mutual?

Answer. To a large extent, I think, it is. Probably, I might add, that there is a feeling of distrust on both sides to a very large extent, so far as my observation goes, and I have had a pretty considerable opportunity for observation, in this community at least.

Question. You said that the new relations of these parties have not yet adjusted themselves. Do you believe that a basis of adjustment is gradually being arrived at and that matters are improving?

Answer. I think so, and I hope so; but it is slowly, very slowly. Since 1865 I have watched with painful interest, but the progress is exceedingly slow, though progress has been made unquestionably. You can see that from the newspapers that we have here, and from the remarks of our public men. And the talk which I hear from time to time between private individuals, indicates to my mind that men are progressing in this matter.

Question. They are moving in the direction of an amicable adjustment of their differences?

Answer. Yes, sir. To illustrate what I mean I will give this example: In 1865, when our legislature met, called here the "Johnson legislature," there was a constitutional amendment before it, and I urged my friends to take that amendment as the best means of settling the difficulty, and that was the general republican view of the question. It is probably not more than right that I should state that my politics are those of the republican party. The course I advised was not adopted, but since then the men who then argued against it have said that they ought to have adopted it.

By the CHAIRMAN:

Question. To which amendment do you refer?

Answer. To the one submitted to the first legislature after the war.

By Mr. BAYARD:

Question. To what is known as the thirteenth amendment?

Answer. Yes, sir.

Question. Did they not adopt that amendment?

Answer. They did, but under duress, so to speak. If they did not refuse at first to adopt it, all the indications were strong that they would refuse to do so; in fact there was no doubt that they would refuse to pass the thirteenth amendment. But causes transpired that required them to adopt it, or they did adopt it, but they did so under protest, and were opposed to it all the time. As I remember, the thirteenth amendment gives freedom to the negroes. They thought then and argued that if the Government of the United States were of the mind to deprive them of their property in slaves, well and good, they could do so, but it did not become them to meet them half-way unless they were compelled to; that was the argument they then made. But now some of them say that the amendment ought to have been adopted willingly. Then there is another advance in the progress of things. For instance, the negroes ride on the street-cars here without attracting any particular attention; I do not think that would have been tolerated at all in 1865 or 1866; I do not think it would have been in 1868, even. Now, intercourse with them generally is more upon the common level of man with man than it was formerly.

Question. You think that the passions which were generated by the war are gradually subsiding?

Answer. I think so; but I confess they are not doing so as rapidly as I would like to see them. But I think it would be impossible to keep the passions of men up to that pitch where they were at the close of the war; I do not think human nature is capable of it, notwithstanding all the contests of party and politics through which the country has passed.

Question. Has not the material prosperity of your State been very wonderfully developed within the last few years; take this town for instance?

Answer. Yes, sir; take this town, and I would say that it has, but in the country generally I do not think it has. I think that in 1866 the prices of land were higher than ever since, but the productions of the country are gradually increasing; growing better every year. I think farms are better cultivated now than they were immediately after the war. You must remember that everything was in a very sad state of derangement immediately after the war. It was then a rare thing to see a wagon come into this town drawn by a horse or a mule, unless by a very inferior specimen of those animals; they used calves, and bullocks, and heifers; that was the condition of things around here for forty miles. In place of that, we now import a large number of mules, and we make good crops of corn and cotton. I cannot say that there has been a development; we have attained somewhat of our former standard in our grain and cotton crops.

Question. Do you mean that you have recovered somewhat from the effects of the war, but have not come up to your condition before the war?

Answer. Not altogether; we do not raise as much, I think. Our cotton crop is smaller, but that might be accounted for in a great many ways besides the derangement of our industrial interests. For instance, before the war, a negro woman counted about as good as a man as a hoe hand in the cultivation of cotton, and as two-thirds of a man after the hoeing was over. That may account for the falling off of the cotton crop, as the negro women do not now engage so much in its cultivation as they did before the war. But the grain crop is short, and the farms are not in as good condition as they were formerly. The great difficulty is to find hands that are willing to do anything more than to cultivate the soil; they are not willing to keep up the fences and to keep the farms in order. The white men do not do it themselves, and they complain that there are no laborers who will now work as they did before the war.

Question. They will not work as efficiently now?

Answer. No, sir.

Question. Is there not a general disposition on the part of the white people of your State to bend their energies to the improvement of their State?

Answer. I think so, as a general thing. There is a large class of worthless men here, as I suppose there are in every community. There is this defect: men cling too much to the old idea of large farms, and to the employment of a large number of laborers, instead of encouraging the laboring class to become themselves land-owners. I think they stand in their own light, and that the development of the country is thereby retarded. I think that feeling grows very much out of opposition to the negroes. They want them to be and remain laborers to a very large extent. My father was a slave-owner before the war, and owned a large tract of land after the war. As soon as the war closed, or in 1865 or 1866, he built a school-house, and employed a colored man to teach. His neighbors, as respectable men as I know, burned the school-house, so that he had to abandon the project of having colored schools. The proof was very conclusive, to my mind, as to who burned it. They were men whom I had been taught from my infancy to have as high respect for as any men I knew; some of them were old men. I advised my father to make no difficulty about it, though I was satisfied it was done by our neighbors, whom I had always esteemed and respected.

Question. When was that?

Answer. It was in 1865 or 1866; I know it was not later than 1866, because my father died in the latter part of that year. My impression is that it was in the fall of 1865, or the winter of 1865–'66. I have known a great many cases of that sort; wherever men were disposed to encourage negroes to educate themselves, or anything of that sort, why, it was not thought to be quite prudent. In fact, I have carried on the farm myself to a considerable disadvantage. I apprehended that it was not a good thing to establish negro schools there under present circumstances, and my first plan was to put the negroes upon the farm, and to advise with them, and to run the farm in that way. Upon conversing with men of experience and observation in whom I had confidence, I thought that plan was not well, so I employed a white man to take charge of them. I do not think that feeling is now as rife as it was, though. I cannot say that the negroes are quite so keen for education as they were. The discouragements they have met with have caused them, to some extent, to abandon the idea of getting an education. In justice I would say, that in that very neighborhood where this school-house was burnt, a negro has since been engaged in teaching school there.

Question. That is an evidence of the better feeling you speak about?

Answer. Yes, sir; I hear a great many reports such as you and I and other gentlemen can find in the newspapers, and some of them I believe to be true. I have a memorandum here of a report from one of my deputies. I have forty-six counties in my district, in the northern part of this State; there may be one or two more counties which were made by the last legislature; the original district comprised forty-six counties. One of my deputies reported to me that this state of facts was reported to him while he was on the ground in the county of Chattooga, five miles from Tryon

Factory, and six miles from Summerville, the county seat: A band of men, supposed to number about fifty, from the appearance of them, visited the house of one Amos S. Alexander, of Chattooga County, and took some liquors he had on hand, and drank freely of them; they abused nobody there; he was absent from home, but his brother, Jackson Alexander, was there. Jackson Alexander states that two weeks before that time, (that is, two weeks before the 29th of September last,) they visited his house and shot through his door. Both of the Alexanders, and a man of the name of Foster, say that in the latter part of September, a man in that county, by the name of Robb, was visited and severely whipped, and was then told that if he undertook to prosecute them he would never live to carry the prosecution through. This report was made to me as such reports are frequently made. I made a note of it as being a matter that might be of consequence.

Question. In collecting the United States internal revenue, was your chief difficulty, if you had any, in collecting the tax upon distilled spirits?

Answer. Yes, sir; well, I do not know that there was a great deal of difficulty in collecting the tax so far as that is concerned. There are a great many illicit distilleries which I cannot find, and the difficulty is in finding the spirits, not so much in collecting the tax.

Question. The difficulty arises from the number of those distilling without a license?

Answer. Yes, sir; they distill upon the sly, and hide out.

Question. Were those cases in Chattooga County, of which you have made mention, in a region where that sort of thing goes on?

Answer. No, sir, not much so. That is in a better part of the community. Those parties alleged that they were visited because they had furnished some evidence to some men I had sent out there, showing where there were illicit distilleries. I sent out two men for the purpose of hunting up distilleries. They were called inspectors then, but they were really detectives. Passing through there, these men gave valuable information of the whereabouts of distillers, and who they were. The parties who visited these men stated that that was their reason for doing so.

Question. They retaliated upon them in that way?

Answer. Yes, sir.

Question. Then I understand you to say, that so far as the collection of the United States revenue is concerned, you have no more trouble than there is in other districts?

Answer. When the tax is assessed, poverty constitutes the principal difficulty I meet with in collecting it. I have really had no difficulty with any of my officers, except in one instance, and that was in regard to an illicit distillery. One of my deputies got into a difficulty with a man in the upper part of the county, and killed him. He attempted to arrest him, and the man resisted, and it resulted in his killing the man.

Question. Where was that, and when?

Answer. I cannot give the date precisely, but I think it was about two years ago. The name of the deputy was W. B. Whitmore, who was afterward tried in the State court and acquitted. There was nothing remarkable in that. It was one of those things that might happen at any time, where an officer attempted to discharge his duty, and thereby got into a difficulty.

Question. I understand you to say that that one case is the only one in which resistance has been offered to your officers?

Answer. The only case of direct resistance. I will also state that in Cherokee County a man who gave valuable information to one of my deputies had his house burned.

Question. Was that connected with the matter of illicit distilling?

Answer. Yes, sir; it was in a community where a great many were engaged in distilling. I think the burning was done by distillers whose distilleries had been broken up through the information given by the man.

Question. Are you aware of any opposition in this State to the laws of the United States? I do not mean of individuals, but an organized opposition to the laws of the United States.

Answer. No, sir; not to my knowledge.

Question. Do you believe the processes of the courts can be efficiently and safely executed throughout this State?

Answer. I think that in most cases they can. I have very strong convictions on the subject of an organization that would on some grounds resist the law. I think the evidence is conclusive to my mind of the existence of an organization for some purpose here, as conclusive as it is that the city of Chicago was burned some time ago.

Question. State your knowledge upon that subject.

Answer. I have no personal knowledge of it. I live in this city, and do business here, and of course have not been out a great deal, but I hear frequent reports of lawless acts committed in different parts of the State. For instance, one was brought to me to-day, and is a fair example, the case of Robbins, in Jackson County. Quite a number of cases of that sort have been brought to my knowledge from different parts of the State. They agree so much in their general character as to satisfy me that there must be a combination for political purposes. It may be a combination barely

for wantonness and lawlessness, but my opinion is that there is a Ku-Klux organization in this State, as it is popularly known. I am led to that conclusion from the character of the victims attacked, probably, more than from any other circumstance. For instance, the case of old man Ashburn, in Columbus——

Question. That was in 1865?

Answer. No, sir, it was in 1868. Then there was the case of a man by the name of Ayer; then the case of a man by the name of Adkins, in Warren County, who was a senator in the State legislature; then there was a negro killed in Southwestern Georgia, I cannot call his name now, but he was a well-known negro here. I might mention a number of cases, all of a particular class so far as politics is concerned, of men who were killed. I think it originates in the feeling which a certain class of white men have, that if negroes are permitted to enjoy uninterruptedly their right of voting—of citizenship—it must finally result in degrading that class of white men. I think it is done mostly by a class of men who feel that the elevation of the negro must be the degradation of themselves. I do not think it obtains among the better class of citizens, for a man of good sense must know that the elevation of any one cannot degrade him if he does nothing to effect his own degradation.

Question. Has not that feeling been very much aggravated by a set of low political adventurers, who have come here to profit by this enfranchisement of the negro?

Answer. It is very likely that may have had something to do with it, but I am satisfied it grows out of a combination of causes. It strikes me there is more importance attached to this matter of "political adventurers," as they are termed, than is really due to them, from the fact that the carpet-baggers, as they are commonly called, are not so numerous as one might suppose. They are very active, but are not so numerous. I think we have in our legislature only about seven pure, unadulterated carpet-baggers.

Question. Seven who answer the description I have given?

Answer. Yes, sir. It has become very much in vogue to call any man a carpet-bagger who came here from the North. Judge Polk, who has lived here for forty years, is called a carpet-bagger for that reason. I could name a dozen men who have lived here and have raised families here, men who were never known as carpet-baggers until this feeling got up, and their past history was examined into. In that way a great deal of this reputation concerning carpet-baggers has grown in importance.

Question. So far as you know the feeling of the people of this State, I will ask, if a citizen of a northern State came down here, and identified himself with the interests of the State, incorporated himself with the citizens of the State, would his chances for success and happiness be equally good with those of others?

Answer. Not unless he ignored politics. I think they might be if he ignored politics.

Question. What do you mean by that?

Answer. I mean if he took no part in politics, or if he was on the side of the democratic party.

Question. What would be the effect if he held his own views independently?

Answer. You are aware that in excited political times it is very hard for a man simply to hold his own views and nothing more. He is pressed for a statement of his views, to be outspoken, and whenever he does that they ban him, leave him alone; there is no question about that; I do not think I can be deceived upon that point. I have known men who came here, and for a while kept themselves quiet, and afterward declared their political sentiments, and at once the feeling toward them was different. It is not so bitter now as before, but there is a great deal of it now.

Question. You believe that feeling is ameliorating as the causes of excitement disappear?

Answer. Yes, sir; I should be ashamed to own our people as fellow-countrymen if I could believe otherwise. I am a southern man born, but my wife is a lady of northern birth, and I have had some opportunity of observing the effect of these things. During the campaign I requested her to visit the houses of none but those who visited her. I found that during the high political excitement she had no visitors. Since then people visit her, and seem, in a great measure, to have forgotten the asperities that grew out of the contest. It is due to me to say that I was a candidate for office, and I was, perhaps, in a position that might have repelled others who would have visited me under different circumstances.

Question. Did you canvass your district?

Answer. Yes, sir.

Question. Did you express your sentiments with the same openness that you express them now?

Answer. Yes, sir.

Question. Did you, as candidates generally do, assail the measures of your opponents?

Answer. Yes, sir. I do not claim any particular virtues on that account; I gave them the best I could.

Question. Were you assailed in any way; I do not mean by papers or in argument, but did you meet with any personal injury or interference?

Answer. None whatever, except in a single instance, and that I attributed to the

drunkenness of the crowd who disturbed me when speaking on one occasion. On that occasion force was met by force.

Question. It was a political row?

Answer. Yes, sir.

Question. Do you not consider that a man here, either a candidate or not a candidate for office, can canvass the State freely during an election and express his opinions openly without any personal danger?

Answer. I think a man with a certain amount of prominence and a certain amount of dignity can do it. But I am satisfied that a negro, or a white man who is very active and talks with negroes on the subject of politics, would not be entirely safe. A negro, (I remember his name now,) a Mr. Walker, a man of fair intelligence, and of fair principles, a zealous politician, went to southwestern Georgia to talk with the negroes there. He went to see them on their plantations, as men will do when they are canvassing, for the purpose of instructing them and talking with them. The result was that he was killed.

Question. When you say "he visited them on their plantations," you mean on the plantations where they were employed?

Answer. Certainly. I think that a man of character and prominence, who had a great many determined friends, friends who would hunt down those who did him violence or injury, I think they would hesitate long before they would kill such a man.

Question. Would you yourself hesitate at any time to embark in a political canvass and express your opinions freely?

Answer. I have been almost all over the State.

Question. And you have met with no injury to yourself?

Answer. No, sir; but I have been told of other men who have met with difficulty. I canvassed in the southern part of the State, and I canvassed every county in the seventh congressional district, which extends from here to the Tennessee line.

Question. Have you any knowledge, in regard to the prosecution of offenses in your courts of law, as to whether men can obtain justice ordinarily in your courts?

Answer. I do not think that our officials are delinquent in their duties at all; I have no evidence that they are. I think, however, that the feelings which pervade the community will influence a jury. When any great movement agitates the public mind the jurors partake of it, as other men do, and are influenced by it, more or less. I think the public mind is somewhat diseased on the subject of negro equality. I think, if you could be here and observe it calmly and deliberately, you, or any other Senator, must come to that conclusion. That feeling, I think, extends to our juries.

Question. There is a feeling of antagonism to some extent; the white race do not consider the negroes their equals, and do not like the proposition to make them so?

Answer. No, sir.

Question. You will not find that feeling confined to Georgia.

Answer. I think very likely that may be the case.

Question. I will ask you whether, in view of the general condition of affairs here, as you have stated it, you consider that the State of Georgia and her people will work themselves out of their present difficulties and embarrassments?

Answer. I do not know that I fully understand even the tendency of things in regard to the progress of a people out of difficulties of this kind. My notion is that any race of people that is not entirely worn out, and has not become effeminate, will work itself out of all difficulties. I think our people will do the same thing, but it will certainly take, at the rate we are now progressing, a considerable time for us to work ourselves out, whether we ever do it or not. As I have considered, from reading of similar contests in other countries, we have a difficulty here which other countries never have had. No other country has had a contest of races marked by color. What our experience will be in working out of that difficulty I cannot tell.

Question. That is an element of great difficulty?

Answer. Yes, sir, of exceeding great difficulty. We meet it everywhere. I confess I meet it in our own community, and in our own party.

Question. You mean the republican party?

Answer. Yes, sir; there is more or less of that feeling there. Men do not feel entirely in favor of the equality of the negro, though they may profess to do so; they do not feel with the negro exactly as they do with the white man. I know I have that same feeling myself, and I witness it on the part of others. How far that will prevent us from getting out of our difficulties I cannot tell.

Question. It is an element of great difficulty?

Answer. It is; and I have thought of it a great deal, because it is a practical difficulty which meets you on every hand.

Question. Is the solution of this problem to be benefited in any way by coercive legislation on the part of the Federal Government to cure the evils that now exist in your midst?

Answer. I will state to you the process through which my mind went upon the subject of the Freedmen's Bureau. At first I was very much averse to the Freedmen's

Bureau. I thought it was a bad piece of machinery, and calculated to do a great deal of wrong. My feelings and political convictions were the same then as now. But now, from close observation, I am satisfied that the Freedmen's Bureau did a great deal of good; that is to say, it brought men face to face with the difficulties that surrounded them, and made them solve them in a manner they never would otherwise have adopted. I have witnessed that in the improvement of the feeling of the whole community, which has been revolutionized on the subject of the employment of laborers and the treatment of laborers, and mainly through the instrumentality of the Freedmen's Bureau. At first I thought it was a great evil—an unmitigated evil. I am satisfied now that it did a great deal of good, whether it did harm or not. Perhaps it did harm also, because there is always some evil in everything. But whether it is wisest and best for the Government, with the strong hand, to reach down into these States and correct these evils, or leave them to correct themselves, I confess is a problem about which my mind hesitates. When I witness the state of things that exists in some portions of this State, I sometimes think it would probably be better that it should be corrected by the strong hand. The truth about it is, as I understand the situation in some counties, the better class of men are overawed, and are really powerless; they are made really to foster the very things they despise and would put down.

Question. Is that without reference to party politics?

Answer. I spoke of the white people. They are superior to the negroes in intelligence and wealth, and possibly in everything that gives tone to public opinion. The public opinion of white men is just as distinct and separate from negro public opinion as if they were entirely distinct communities. White public opinion does not affect negro public opinion, and negro public opinion does not affect the whites, except perhaps to exasperate them.

Question. And of the two, of course the whites will rule?

Answer. Of course; intelligence always rules in any community, I suppose.

Question. Your hopes of the future in this State are based upon the gradual amelioration of the relations between the two races?

Answer. And the good sense of my fellow-citizens.

Question. The good sense of the race to which you belong?

Answer. Yes, sir.

Question. Now, must there not be an improvement of kindly feeling, an improvement of the relations between the two races?

Answer. Yes, sir.

Question. Is that kindly feeling more apt to grow spontaneously than from compulsion?

Answer. Spontaneously, I suppose. I will tell you what my convictions are, and they are very decided. Unquestionably, the first thing to be done is to educate the ignorant of both classes. We have as ignorant white men as negroes, and they are just as unreasonable as negroes; in fact, more so, because they arrogate to themselves an importance to which they are not entitled, because of the race to which they belong. With the negro that is not the case. I think the best thing for the country is to educate all classes as thoroughly as possible.

Question. Is not that to be a matter of your own internal evolution?

Answer. I think so.

Question. Do you not depend entirely for that upon the action of the people of your own State?

Answer. Unquestionably we do.

Question. Must you not so depend, from the nature of things?

Answer. I think so; but I would welcome a helping hand from any quarter, no matter what, for that is our great want.

Question. As to the ruling sentiment in your State, is there not, among all the respectable men in the State, the same horror in regard to cruelty toward the black race, and to outrages upon them, that there would be in any other community?

Answer. I think not, altogether. If you will pardon me, I think the question betrays a want of understanding on that subject. I do not think the white men here look upon the negro as he is looked upon in some of the other States. When he was a slave they looked upon him as a chattel; they did not pretend to disguise that fact. Now they look upon him as something worse than a chattel—more like a bad animal, that they must fear. The feeling crops out in a great many ways, showing that they look upon him as something different from what they before considered him. Before, they considered him as a gentle animal that they would take care of for his services; at least that was my feeling, and my father had that feeling, and I think it was the feeling generally among the people where I was raised. Now, in place of that kindly feeling of the master, there is a feeling of bitterness—a feeling that the negro is a sort of instinctive enemy of ours. And I do not think that feeling leaves the mind in a condition to treat him as kindly as a white man would be treated under similar circumstances. For instance, a gentleman in this city with whom I was talking a couple of weeks ago on the subject of our country generally, and particularly of our servants,

said that we never could get along in the condition we were in until we could have our servants kept in subordination and made to feel a proper humility before us. I replied to him that I had none of that feeling; that I did not want any man to feel humble before me; all I wanted of a man was that he should do his duty and treat me respectfully, and I would treat him so. I do not think that in my heart I feel that I could reasonably ask of a fellow being to be humble before me.

Question. You do not ask for servility?

Answer. No, sir; all I ask of a man is to recognize our relations and to perform his part well. My friend said that he felt differently; that he desired a servant should be humble, just as the negroes were in times of slavery. That was his language. I was little astonished to hear him say so. That very same week I entered into conversation with one of our jurors. He was telling me of his practice in South Carolina, how he had threatened negroes, had bully-ragged them, to use his own expression. He did not seem to think he was betraying anything extraordinary; but I do not think he would talk to a white man so. I think many of our people are inclined to ill-treat a negro more than they would a white man. I do not think there is any question about that.

Question. Then, after all, you believe that the perturbations in society here are caused by a want of adjustment between the races?

Answer. Yes, sir.

Question. That is the foundation of your troubles.

Answer. I do not think there is any doubt about it.

Question. The question of the proposed equality of the negroes is a sore one?

Answer. Yes, sir; and then they take the question of equality in its broadest sense. If you talk about equality, they at once conclude that you must take the negro into your parlor or into your bed—everywhere that you would take your wife. They seem to be diseased upon that subject. They do not seem to consider that he is merely to be equal before the law, but take it, I suppose designedly, to mean equality in the broadest sense; and hence they stir themselves up and lash themselves into a fury about it.

Question. You think there is a misapprehension about the matter?

Answer. I think so, in reference to that thing. It has taken the direction of party politics. It is a very unfortunate thing to have mixed up in politics; but it is there, and I do not see exactly how it must be worked out. I think we must meet it the best way we can, according to the light before us; that we must fight it out among ourselves.

Question. You say "fight it out;" you mean in a controvertial sense?

Answer. Certainly; I mean a conflict of ideas.

Question. The negroes are witnesses in court, the same as white men?

Answer. Yes, sir.

Question. In regard to voting generally through the State, do they exercise the right of suffrage as white men do?

Answer. I think they exercise it very much as white men do. The same thing prevails here that I suppose prevails elsewhere; those who are active in politics manage to influence all they can to the best of their ability. It is unfortunately true that the negroes are very ignorant, and are easily influenced, and there is a great deal of influence exercised over them. There are a great many negroes who do not really vote the way they desire to; some are bought up, some are over-persuaded, some are forced and bullied into voting differently from what they desire; I have no question about that at all, for I have seen some instances of it. There are not a great many negroes who are actually forced to vote as they otherwise would not, but I have known instances of that kind. I live here, in Atlanta; I have witnessed elections here; we have a police here; we have an enlightened public sentiment here, and it is not to be presumed that we would sit down and permit any great outrages of that sort. I have not seen elections elsewhere than here.

Question. Are you not aware that the negroes as a race in this State vote with one political party?

Answer. Well, they did so in 1868, but in 1870 they did not do so to the same extent. From some cause or other, in fact, a large portion of the negroes did not vote at all; some voted the democratic ticket, whereas they formerly voted the republican ticket. As to those who did not vote at all, we supposed they were influenced by a great many circumstances. The complexion of the vote would indicate that they did not vote.

Question. Is there a feeling of soreness on the part of a portion of the white people of Georgia, growing out of the disfranchisement of a number of their citizens?

Answer. I think so.

Question. Does that feeling tend to increase this animosity of which you have spoken?

Answer. I think it does, to some extent.

Question. Do you believe that a measure of general amnesty, of the removal of disabilities by Congress, would tend to lessen that unkind feeling of which you have spoken?

Answer. I think it would, to some extent; probably not entirely, but I think it would have a tendency in that direction.

Question. Would such a measure be a wise and salutary measure for Georgia?

Answer. I think so. Of course, I cannot tell certainly. I reason from within, and partly from observation of facts.

Question. Since the war have you acted consistently in aid of the republican party?

Answer. I have.

Question. You are now an office-holder under a republican administration?

Answer. Yes, sir.

Question. With a number of deputies under you?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You have spoken of the feeling of antagonism, distrust, and dissatisfaction between the colored and white people. Does either political party attempt to avail itself of that feeling to accomplish its party purposes; and if so, which party?

Answer. I am inclined to think that both do to some extent; I apprehend so. From my observation in politics I think that men are not particular about the means they use, especially when the race is close; and I think both parties use that feeling to some extent.

Question. In what way do they use it?

Answer. Well, if I understand the purport and drift of your question, I will answer you in this way: For instance, the democrats, who represent the body of the white people, will endeavor to rally all the white men to the support of their interests by crying out "negro equality," and by using all the current epithets of the day in order to make the white men feel that there is an intention to make the negroes in every respect equal with them. They are told that the man who will talk with the negroes upon politics, and who will vote with the negroes, does not feel himself any better than a negro. Probably that illustrates the matter. On the other hand, the republicans will call up everything that is calculated to arouse the opposition of the negroes to their old masters; they will intimate pretty strongly that their old masters would make slaves of them again if they had the chance; or, if they could not do that, they will come as near to it as they can. I think those tricks are resorted to by both parties, and that the feelings that are known to exist in the breasts of the two races are appealed to in that way.

Question. The democrats, as a whole, appeal to the prejudice against the colored race?

Answer. I think so, unquestionably.

Question. The republicans appeal to the apprehensions of the colored race in regard to that portion of the white people who are represented as being their enemies?

Answer. Such is my observation.

Question. You have expressed some opinion with regard to a class of political adventurers; I believe that was the expression used in the question put to you; perhaps you called them carpet-baggers. I find in a Nashville, Tennessee, paper, an article purporting to have been copied from a Savannah, Georgia, correspondent. Perhaps I had better read the article to you, as I wish to call your attention to it particularly. It is as follows:

"As to the carpet-bag members of the convention which framed the reconstruction constitution of Georgia, they were thirteen in number, while the whole membership of that body was one hundred and seventy-five, of whom thirty were colored men. Of these thirteen carpet-baggers, eleven were and are consistent members of Christian churches, and only two of the thirteen were given to profanity, intemperance, or the keeping of low company; the other eleven were recognized as good citizens, of unexceptional habits, and abilities in every case fair, and in several brilliant. These thirteen carpet-baggers numbered among them more total abstainers from the use of intoxicating drinks than did the entire remainder of the convention.

"The legislature of Georgia elected in 1868 has been sharply criticised as grossly corrupt. Of its two hundred and fourteen members but seven have become residents of the State since the war, and six of those seven 'carpet-baggers' are moral and religious men. Yet we have often heard it charged that this (as is alleged) corrupt legislature is controlled by 'carpet-baggers.' And the lobby by which the legislature is infested contains but one prominent carpet-bagger, and that one, sufficiently notorious, has never, so far as is known to the writer, voted the republican ticket, or in any way contributed to its success. Not one of the State officers (unless, indeed, we except the State superintendent of education, who is an appointee of the governor) is a carpet-bagger. Of the members of the Fortieth Congress elected in Georgia, two were carpet-baggers; both Christian men and doing honor to the churches with which they were connected by an upright life and a steadfast regard for the rights of others. In the Forty-first and Forty-second Congresses no carpet-bagger from Georgia held a seat. As for county offices, not ten of them in the whole State are or have been filled

by the class in question; and from the judiciary they are expressly excluded by the terms of the State constitution, which requires a residence of five years as a qualification for judges and State's attorneys or solicitors. I might add that carpet-baggers and negroes together have never numbered one-sixth of the legislature of Georgia."

That purports to be a statement of facts founded upon statistics.

Answer. I will just remark, before you ask me any question in regard to this extract, that a while since, I stated that there were but seven pure unadulterated carpet-baggers in the legislature of this State. I made that statement entirely from memory; I do not think I have looked at the matter since the campaign of 1868. Probably this correspondent spoke with the record before him.

Question. I have submitted this statement to you, as I intend to do to other intelligent gentlemen.

Answer. I have made this explanation, because otherwise my testimony might seem to conflict with the statements of other gentlemen.

Question. I will ask you if you have any correction to make in reference to this statement?

Answer. I think this statement is generally correct; without referring to items, my general impression is that it is about correct.

Question. In the administration of justice in this State, do the negroes have any share under the system which is established here?

Answer. No, sir, I think none whatever. However, I will state this, that there was a colored judge appointed at Savannah, but I do not think he has ever sat in that capacity. I know of no colored jurors since the adoption of our present constitution, though there may have been such. I think the rule is that negroes are not accustomed to sit on our juries. The constitution requires that jurors shall be intelligent men, and by the construction placed upon that requirement, negroes are generally excluded from juries.

Question. You have been asked substantially whether in your opinion the restoration of a desirable state of society here would be fostered by interference on the part of the Federal Government. Please state whether you think such interference is necessary in any part of your State in the present condition of things, for the protection of any portion of your people in their lives and their property.

Answer. I should not advise it at the present time. The time has been when I thought it would have been entirely advisable; but at the present time, so far as my knowledge extends, I cannot see any absolute necessity for it.

Question. Then you would not recommend any provision by which such offenses might be examined into or prosecuted in the Federal courts?

Answer. Yes, sir; I would recommend that. In my answer to your question I was thinking of a proclamation of martial law, such as has just taken place in South Carolina. I do think it would have a very happy effect if these offenses could be punished by the Federal courts or by any court. And as it is almost impossible to have that done in the local courts, I cannot see any practical means for punishing them except in the Federal courts.

Question. So far as declaring martial law is concerned, that can be done by State authority?

Answer. That is what I had in my mind.

By Mr. BAYARD:

Question. Do I understand you to say that since 1865 there have been times when the direct interference of the Federal Government would have been advisable?

Answer. Yes, sir; in the counties of Warren and Columbia, at the time that Adkins and Ayer were killed, and when other outrages were committed. At that time I should have thought it was wise and proper to have adopted such a course.

Question. But you would not consider it wise or proper at this time, with the present amelioration of feeling?

Answer. I do not want a proclamation of martial law; I think that should be resorted to only in the last extremity.

Question. Was not your State under martial law when the first outrages were committed?

Answer. Do you mean under the reconstruction law?

Question. Was it not under the control of General Terry until 1871?

Answer. I do not understand that to be martial law; we were then governed by civil law just as we are now.

Question. Was not General Terry authorized to interfere as he pleased with contracts between man and man?

Answer. Perhaps he was; but I do not think he exercised any such authority.

Question. Did not his subordinate officers exercise it?

Answer. In a few instances, perhaps; but the instances were rare.

Question. Had he not authority of his own will to interfere in cases of private contract, and make arrests whenever he desired?

Answer. Do you mean under the law of Congress placing him here, under which he was appointed?

Question. I ask you as to the fact; I ask you whether the will of General Terry in that respect was not exercised in the question of the settlement of private contracts whenever he desired, and also whether he did make arrests whenever he pleased.

Answer. Our understanding was that all the authority he had was derived from the laws passed by Congress. While I was never called upon to construe those laws critically, I do know that it is a fact that he rarely interfered in the construction of contracts. I had frequent occasion to converse with him in regard to those things, and I do not think he ever interfered with matters of that sort. He did sometimes remove officers; he removed the predecessor of our present governor.

By the CHAIRMAN:

Question. Do you recognize a distinction between martial law and the administration of civil law by martial authority?

Answer. I certainly do.

By Mr. BAYARD:

Question. Do you call it civil law when the commanding general can send an officer to investigate a case, and upon that investigation can order the arrest of a citizen and his transportation to his camp, and can direct his compulsory submission to any decree that officer may make in regard to a private contract?

Answer. It is probable ——

Question. Do you call that civil law?

Answer. No, sir.

Question. What do you call it?

Answer. The exercise of military authority under the authority of law.

Question. What law is it that gives a man authority to be judge and jury in a case of that kind?

Answer. I think he had the right under the reconstruction law.

ATLANTA, GEORGIA, *October* 24, 1871.

HANNAH FLOURNOY (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I am thirty-one years old; I was born in Eatonton, Georgia, and I now live in this city, since they run me from Columbus.

Question. When were you run from Columbus?

Answer. At the time Mr. George Ashburn was killed.

Question. Were you in Columbus when he was killed?

Answer. I was right there, in the house.

Question. Were you present at the time he was killed?

Answer. Yes, sir.

Question. State what you know in regard to that.

Answer. When they came to the door, they knocked, and called for Amanda Patterson. I let them knock two or three times before I answered them; I knew it was something strange for anybody to come to my door at that time of the night. I asked who was there, and they said, "Mary Dillenhast." I said, "I know nothing about you." She said, "I must see Amanda." I said, "You cannot see her; she is in bed." They knocked again, and I said, "You had better go away from that door; the police will be around directly and put you in the guard-house; it is no time of night for anybody to be out in this way." They said, "Damn the guard," and knocked again, and said, "If you don't open the door, we will knock it down." I said, "Knock it down; I will not open it." They broke in the panel of the door, and then reached in and unlocked the door, and came in. I looked through a little glass there, and saw them in the room lighting candles and fingering their pistols. I went into Mr. Ashburn's room, and said, "Lord, Mr. Ashburn, the room is full of men; they are disguised, and showing their pistols." He said, "Let them come." I said, "What shall I do?" He said, "You go out and take care of yourself, and the Lord will take care of me." A white girl got up, and said, "Don't shoot in here; there is nobody here but me and Hannah." Something struck me, and I said, "What does that mean?" I then went into Mr. Ashburn's room, and he got up and put on his coat, and lighted his candle and walked up and down the floor three times, with his pistol in his hand. He said, "Go out, and take care of yourself; the Lord will take care of me." I turned into the room, and just as I was coming out, a Mr. George Betts and Mr. Sergeant Marshall bolted right in and commenced shooting. I went into the room and looked at the men. They were disguised, but I

knew a great many of them by their appearance. I was very much excited. The boys said, "Hoist the window and go out, or they will murder you." I got into the middle of the room where they were shooting Mr. Ashburn. One of the boys said, "Let us in; where is Hannah?" Another said, "Don't shoot Hannah; she could not help herself." That is all that saved me. I went down stairs and knocked at the door, and then they hollered, "They have killed Mr. Ashburn; don't leave him." I went down to the court-house, and if Captain Mills had put out his men when I first went down there, he would have caught every one of them. An officer there said, "What do you want them to go out to-night for? they might be shot down." I said, "I am liable to be shot down." For eight weeks I had to work there, and I was afraid to stay in the house at night. I staid there one night in the piazza of Mr. William Smith, with a double-barrel shot-gun in my lap. I staid there in that place eight weeks, until I was brought up here. They had them all up here in court, but they did nothing with them.

Question. How many of them did they have here?

Answer. About thirty.

Question. How many of them did you know?

Answer. I knew Mr. Chipley, Doctor Kirksey, Sergeant Marshall, James Barber, (he is in Columbus now,) and they sent George Betts off somewhere. He and Mr. Sergeant Marshall turned State's evidence. The reason Mr. Ashburn was boarding at my house was this: He left here on Wednesday, from the convention, for Columbus. They found out what time the convention was going to adjourn here, and they went around to all the boarding-houses and got them to promise not to take him. He went to the hotel there, and he was told by the man there that he could not stay there unless he took his meals in his room. He said that he would do so that night, as it was late. The next morning he went out to look up a boarding-house, and he walked all day, and came to my house about 3 or 4 o'clock. He said, "Hannah, can you feed me?" I said, "I can cook, but I cannot give you a place to sleep." He said he had been to every boarding-house in the place, and could get no chance to stay. I said, "You are a republican, and I am willing to die for you. I am a republican, tooth and toe-nail." I took Mr. Ashburn through the house, which contained five rooms. Colored people rented three of them, and a white girl had one. I said, "I will buy a stove, and put you in here." He said, "No, I do not want to be so close to the street, for there will be too much noise." I then said, "Amanda and I will sleep here in this room, and you can have her room." I furnished the sheets and pillow-slips for Mr. Ashburn, and she furnished the other bedding. It was as nice a bed as anybody had. They came that night and killed him, as I have told you. He was to go the next day, he and Mr. Caldwell, to Hamilton, and make a speech. When they came in, they had fixed with this girl to come in and murder him. After he came there, I had the gate locked every night, and made the boy bring me the key. The white people next to my house had a very severe dog, and nobody could go up and down the alley after night but what the dog would bark; but that night it seemed that they put the dog up. I said to Amanda, "Lizzie and the others must have a great deal of company to-night, for they are passing through the gate." I asked the boy if he locked the gate, and he said that he would sit here till 1 o'clock. At that time these men came around. Mr. Ashburn could not get out of the house, for it was surrounded. There must have been a great many of them. There were two large rooms, and they got up on my bed and played with the flag that we had marching with on Saturday. Elder Turner made a speech at the hall that night, and Mr. Ashburn went to it. I know these white people were saying that if he ever came back they would kill him, or run him out of the place. Generally, I would go to bed directly after supper, and then, when all the rest had gone to bed, I would get up and sit up all night, and take a nap during the day. I always left Mr. Ashburn to come in, and left the door open. Now, this white girl had been paid and fixed up to do this thing. One evening she said she had money enough to buy me. I said, "Not now. I used to be for sale, but I am not now; if you have so much money you had better pay your board."

Question. Were the people that had the dog republicans?

Answer. No, sir; the strongest kind of democrats. Every word they would hear me say after Mr. Ashburn was killed, they would go and tell it, and when I would start off of an evening to some friend's house to see them, they would report it.

Question. You say that Mr. Ashburn was going the next day to Hamilton to make a speech?

Answer. Yes, sir.

Question. Was that known?

Answer. Yes, sir. There were about fifteen gentlemen from this place came down on the train. I said to Mr. Ashburn, "Israel saw General Forrest in town; there must be a big spree among the democrats."

Question. Was General Forrest there the night Mr. Ashburn was killed?

Answer. Yes, sir; there were a great many big men down there.

Question. When was that?

Answer. That was done three years ago last April, I think. He was murdered the

last night in March, or the first day of April; the second day of April he was carried to Macon to be buried.

Question. Where was his home at that time?

Answer. He was making it then in Columbus, but his home was in Macon principally.

Question. He was engaged in a canvass at that time?

Answer. Yes, sir; he went from the convention here.

Question. What time did you leave Columbus and come up here?

Answer. I left there in June.

Question. Have you been back there since to live?

Answer. No, sir; they say I shall not go back. I have lost everything I had there. I cannot get a letter or anything of the kind.

Question. Are you afraid to go back there?

Answer. Yes, sir.

Question. Did you leave your property down there?

Answer. Yes, sir; all my property and my bedding.

Question. What business were you engaged in there?

Answer. Washing and cooking for anybody that wanted me to do it. I was working honorably for my living. I took Mr. Ashburn in, for I thought it right to take him in. They turned him out of doors everywhere else. He was a republican, and I thought if I turned him out as well as the balance of them, I would be as mean as everybody else.

Question. You say he walked around all day to find a boarding-house?

Answer. Yes, sir.

Question. And you say that people had gone around before he came there, to prevent his being received as a boarder at any place?

Answer. Yes, sir.

Question. What did the proprietor of the hotel say to him?

Answer. He said he might stay there if he would take his meals in his room. Then, after that, he wrote to him and said that twenty-five of his boarders had told him that if that "nigger-protecting rascal ate his meals there they would leave," and that he would rather lose Mr. Ashburn's board than theirs. He was owing me thirty dollars before he went to the convention. He said to me, "I suppose you want some money." I said, "You go on to Hamilton. If you come back you can pay me; if you don't, I can collect money for my washing and pay my house-rent. You had better keep your money, for if you go there without money you may get into trouble, as you did before." It was said in Columbus that I had more republicans on my place than any other negro in Columbus. Mr. Brown told me so. I went to him to assist me, and he said, "No, Hannah, you were respected until you took that infamous rascal into your house." I said, "Mr. Brown, if I find you in a mud-hole I will help you out, democrat as you are." He said, "We have no use for republicans." I said, "You never heard of a republican killing a democrat; they would not be so low."

By Mr. BAYARD:

Question. You say this was in April, 1868?

Answer. Yes, sir.

Question. Three years and eight months ago?

Answer. Yes, sir.

Question. General Meade was in command here at that time?

Answer. Yes, sir.

Question. He examined into this matter?

Answer. Yes, sir.

Question. He arrested various people?

Answer. Yes, sir.

Question. Did you go before General Meade?

Answer. I was here, but they said I should not go before him, for I would hang them all.

Question. Did you go before him?

Answer. No, sir; I wanted to go, but they would not let me.

Question. Did General Meade know that you had testimony that would be important in the case?

Answer. I do not know whether he knew it or not. I gave my testimony to Major Smyth and Mr. Whiteley.

Question. Is Major Smyth United States marshal now?

Answer. I do not know.

Question. Do you know his first name?

Answer. I do not.

Question. He was a United States officer?

Answer. Yes, sir.

Question. You told him all you have told us now?

Answer. Yes, sir.

Question. And he knew what you could testify to?

Answer. Yes, sir.

Question. This was the case that General Meade had a great many people arrested for?

Answer. Yes, sir.

Question. And they tried it three years and six months ago?

Answer. Yes, sir. They put them under bonds, but they never did anything about it.

Question. You do not know anything about what report General Meade made of this case?

Answer. No, sir; no more than I know that all were under arrest; and last year I think Major Hughes carried the papers down to Andersonville to court, and General Grant said they should be turned back to him again.

Question. Do you mean the President of the United States?

Answer. Yes, sir; he said to turn the papers back to him. I had a letter which was sent to Mr. Ashburn by the Ku-Klux, with his coffin all drawed on it, and I gave it to Major Hughes.

Question. Was that sent to him while he was at your house?

Answer. Yes, sir.

Question. You say that General Forrest was at Columbus on the very night that Mr. Ashburn was killed?

Answer. That is what I heard, and I went and told Mr. Ashburn.

Question. Do you know General Forrest?

Answer. I never saw him in my life.

Question. You saw a great many strange people there, and told Mr. Ashburn that General Forrest was there, though you do not know him?

Answer. Yes, sir.

Question. You do not know whether he was there or not?

Answer. No more than what I heard. But I heard people speaking about him a great deal on the mountains, last year and this year while I was up there working, and they said that he was the head of the Ku-Klux.

ATLANTA, GEORGIA, *October* 24, 1871.

BETTY KINNEY (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I was twenty-five years old last March; I was born in Jackson County, and I live in Jackson County now.

Question. Are you the wife of Toddy Kinney?

Answer. Yes, sir.

Question. Do you recollect the time an attack was made by the Ku-Klux on Mr. John Holliday's house?

Answer. It was Bob Holliday; I work on his place.

Question. How far did you live from his house?

Answer. I reckon about half a mile.

Question. Did you see any of the people that are called Ku-Klux?

Answer. I do not know whether they were called Ku-Klux or not, but they were talking about what they had done to Mr. Holliday.

Question. What did they say?

Answer. One of them said if he could get his hand on him that night he would never go to the mill again. Another said, they would get him again. I went down through the old field, and they were setting in the fence corner on some old broom-straw. I did not see them until I got almost onto them, within ten steps of them. I squatted down and looked to see who they were. I did not stop long, for I knew if they went to the house and tried to kill him, they would kill me for eaves-dropping. I walked off, and I expect they do not know till this day that I was there.

Question. State all you heard them say.

Answer. I hardly know what they did say. Jack Haney was telling about that night when Mr. Holliday run. George Haney said that he knew no reason why Bob Holliday should come to the fence and see him. He said, "How did they come to think it was him?" He said, "Because he was bare-footed." That was what Jack Haney was telling Richard Lee. I did not stand there much to listen to them.

Question. Jack Haney said that George Haney had this talk?

Answer. Yes, sir; that George told him so.

Question. He said that George was there that night watching him?

Answer. Yes, sir; that Holliday came within shooting distance and then run.

Question. Did Jack Haney say he had been there?

Answer. He did not say he had been there for right certain, but that if he had put his hands on him that night he would never have gone to the mill any more, for he would have killed him.

Question. Did you understand that Richard Lee had been there?

Answer. He said that he allowed to get his hands on him, and if he did he would kill him. I allowed from that that he had been there.

Question. Did you know those two men?

Answer. Yes, sir; and always did know them; I was raised in the settlement with them.

Question. About what time of the day did you see them?

Answer. About 2 o'clock.

Question. On what day?

Answer. They got after him on Monday, and that was the next Sunday following.

Question. Did you ever see any of them going about disguised?

Answer. No, sir. Richard Lee was talking over what Pendergrast said. He said that if he should shoot Bob Holliday he reckoned he could hit him and that he believed Alf. did hit him.

Question. Have you heard of any mischief being done there since by the Ku-Klux?

Answer. No, sir, I have not. It was before that that they got after Uncle Sampson.

Question. How long before?

Answer. About two weeks, I reckon.

Question. What did they do to him?

Answer. They knocked him over the head, and kicked his son in the side.

Question. Where was that?

Answer. That was in the Chandler district.

Question. Was it at his house?

Answer. Yes, sir.

Question. Did you understand who did that?

Answer. I did not hear them say who it was, only that Milton Whitehead was in it.

Question. Did they say how many were along?

Answer. No, sir; I did not question them anything about it. I was afraid to talk about such people.

Question. Did you hear about anything else that they did?

Answer. They went to Uncle Simon's house and whipped him.

Question. When was that?

Answer. That was along in the fall.

Question. Who did they whip first, the father or son?

Answer. They whipped his son; they never got after his father until after they laid by the crop. His son was fixing to plant when they got after him; they whipped him and ran him off up here in the mountain.

By Mr BAYARD:

Question. Did you see anything of these things yourself?

Answer. What they did to these folks?

Question. Yes.

Answer. It is only what I heard people say.

Question. How far were you standing from those men when you heard them talking?

Answer. About ten steps.

Question. Did you stay there long?

Answer. I stopped about ten or twelve steps from them, and then stepped back behind a pine bush.

Question. How long were you there behind the bush?

Answer. I did not stay there any time before I left.

Question. You went right off?

Answer. Yes, sir; I went through Bob Lane's cabin and sat on the fence, and after awhile they got up and went off.

Question. When you saw these men they were about ten steps off from you?

Answer. Yes, sir.

Question. And you stepped back from them and got behind a pine bush?

Answer. Yes sir.

Question. Did you then move right off?

Answer. No, sir; I stood there about a minute.

Question. That was all the time you had to listen?

Answer. Yes, sir; I saw Mr. Holliday and told him of it, and he asked who it was, and I told him who it was.

ATLANTA, GEORGIA, *October* 25, 1871.

JOHN O. PERRY sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?

Answer. I was forty-six years old the 31st of last March. My family live in Gwinnett County, and I was born and raised in that county.

Question. What is the county seat of Gwinnett County?

Answer. Lawrenceville.

Question. Has the court-house been burned there recently?

Answer. Yes, sir.

Question. About what time?

Answer. It was done on Sunday night before court; I think the court was on the second Monday in September last.

Question. Do you know anything about the parties who were concerned in burning it?

Answer. I do not.

Question. Is there such an organization of people in your county as are commonly called Ku-Klux?

Answer. I do not know that there is.

Question. Have you ever seen any of them?

Answer. I saw some men, but whether they were organized or not I do not know.

Question. When did you see them?

Answer. About the 27th of July, if I am not mistaken.

Question. Where did you see them?

Answer. At my house.

Question. Was it in the day-time or in the night?

Answer. It was in the night.

Question. How many of them came there?

Answer. I could not tell you how many there were. I do not think I saw more than about four men. There were more in the house, but I did not see them.

Question. Tell all they did when they came there?

Answer. I can just tell you how it was. In the night, I suppose about midnight, the first thing I knew some one laid hold of my arm.. I was asleep, but any man knows that he can recollect some things before he is right wide awake. I thought I heard horses' feet, but I thought it was my horse. I said, "Who is that." A colored man said, "It is me, Rufe." I said, "What are you doing here?" He said, "The Ku-Klux are after me." At that time I was barely awake. I rose up, and I heard people in the other part of the house. It was a double house. He said, "What shall I do?" I had heard of these things, and I said to him, "Slip under the bed, and I will protect you." I rose up and turned to the door, and I discovered some one. I halted them, and said, "If you do not stand I will shoot you." Some of the crowd spoke and said, "Fall back." At that time some of the party struck a match and I saw them. They looked like negroes, or persons who had something black on them. The match went out, or they threw it down, and then they seized me. Two or three of them took hold of me and took me out of the door. As I went out of the door the negro ran out and they broke after him, all but one man. One man had hold of my arm. I took hold of him, and sent him away. There was a bee-gum in the yard and I threw him over that, loose from me. When I did that I left him, for I saw that the negro was gone. There were two negroes there, one that was under the bed and one who went out after I did. I saw him as he came out. There were four men I saw, and three of them took after him. One had hold of me and I threw him loose from me, and then I dodged around the smoke-house. He took after me after he got up, but he did not catch me. I heard more in the house. I do not know many.

Question. Where did you go?

Answer. I went about a half a mile to a neighbor's house, living on my land, to get a gun and go back. I had no weapon in my house at all, not even a pocket-knife. He had no gun; he had let his father have it. I wanted him to go back with me, but he would not do it. I staid there a while, and heard the noise of horses going off, and in about an hour I went back to my house and there was no one there. I then went over to where my son lived and got a pistol that he had.

Question. Was there anybody else about the house besides yourself and those two colored men?

Answer. Yes, sir; my wife, children, and my father. They said they left as soon as I left.

Question. That is, that the Ku-Klux left?

Answer. Yes, sir; my family said so.

Question. Did they tell you how many of them they saw?

Answer. They could not tell; it was a tolerably dark night, the moon did not shine.

Question. Did they seem to have any idea how many there were of them?

Answer. They said they thought there were some ten or fifteen of them; they said nothing to any of the family.

Question. How did they get into the house?

Answer. They just opened the door; the kitchen door was not fastened, only pushed to; it was a double-log house, and they pushed the door open and just came right through.

Question. Did the colored man come back that the three took after?

Answer. He came back after a little, after I did the next morning; he and the other one got together by some means, and went down into the swamp.

Question. Did the Ku-Klux catch them?

Answer. No, sir.

Question. Do you know, or do you have any reason to believe, who any of them were?

Answer. No, sir; I do not; if I had, I should have tried to have done something with them; I could form no reason why they should come; I did not think I had enemies enough to do it.

Question. Did you see enough of them to know whether they were disguised or not?

Answer. I saw enough to know that they looked like negroes; when they struck a match I saw that their faces either had something black on them, or something black over their faces; it was a quick thing, for the match soon went out.

Question. You say their faces were either black or covered?

Answer. Yes, sir; they were blacked, or had something over them; the four I saw were pretty much alike; if there was any difference I could not tell it.

Question. Have you any reason to know, or suspect, what their object was in coming there?

Answer. No, sir; I do not; it was said they came there to get some pistols from the negroes.

Question. Did your negroes have pistols?

Answer. Yes, sir.

Question. When they took hold of you did they give any intimation what they were going to do with you?

Answer. All they said as they went out of the door was, one of them said, "I reckon you will not abuse an orphan child again." I had had an orphan boy hired; he was a bad boy and would not work, and his mother told me that if he did not work to whip him and make him do it; the neighbors there will tell you that I was too easy with him; he quit work, and I then whipped him one day; I gave him two or three licks.

Question. How old was the boy?

Answer. He was about thirteen years old.

By Mr. SCOFIELD:

Question. Was he a white boy?

Answer. Yes, sir; a plow-boy.

By the CHAIRMAN:

Question. Did you whip him any more than a parent would whip a child?

Answer. Not so much as I would whip my own child; his father had lived with me before he died; I had a feeling for him because he had no father.

Question. Did the men who came there talk like negroes?

Answer. They did not speak in a right manner or language.

Question. They spoke with a false voice?

Answer. Yes, sir; there was very little said; it was all done in a quick time, and I was away from them in a minute or two; if I had staid with them, probably I might have found out more than I did; I have wished since that I had staid with them but maybe it was better as it was.

Question. Was this orphan boy still living with you?

Answer. No, sir; he had gone.

Question. Where had his father died?

Answer. In the army.

Question. In which army?

Answer. In the rebel army.

Question. Is it understood that the Ku-Klux are pretty strong in your county, or is it supposed there are only a few of them?

Answer. I have not heard much about them in my settlement; I have heard right smart of them off at a distance.

Question. In other parts of the county?

Answer. Yes, sir.

Question. Do you know whether people are afraid to say much about them, to give testimony against them?

Answer. Well, it is rather my opinion they are.

Question. Do they think it would be unsafe for them to do so, that they would be injured if they did so?

Answer. Yes, sir; that is my opinion.

Question. How long have you heard of them about in that county; how long since you first heard of them?

Answer. In the county?

Question. Yes.

Answer. Well, I do not exactly recollect how long it has been since I paid any attention to them. I do not know when it was I first heard of their doing anything. As nigh as I can recollect, I reckon it is better than a year since I heard of them; but I do not now recollect where the first was that I heard there had been anything done by them.

By Mr. BAYARD:

Question. This was the only occasion that you ever saw these people at all?

Answer. That was the first and the last time.

Question. When was it?

Answer. I think it was about the 27th of July.

Question. I understood you to say that you believed their object was to get pistols from the two negroes who were in your house?

Answer. I rather think it was.

Question. The only remark made to you that would indicate anything else was something about you abusing an orphan boy?

Answer. I have said what the words were; it was something about that.

ATLANTA, GEORGIA, *October* 25, 1871.

C. C. HUGHES sworn and examined.

By the CHAIRMAN:

Question. State what is your age, where you were born, and where you now live.

Answer. I am twenty-seven years of age; I was born in Cherokee County, Georgia, and I live at this time in Haralson County when I am at home.

Question. When did you come here from Haralson County?

Answer. I came last Monday night was a week ago.

Question. Are there any people in your county that are known as Ku-Klux?

Answer. Yes, sir.

Question. Are there many of them?

Answer. Yes, sir; I think there are a considerable number of them, to the best of my knowledge.

Question. Have you ever seen them; and, if so, how often?

Answer. I have seen them once; they were at my house.

Question. How many of them?

Answer. I think there were about twelve of them. They came into my house last May, the 7th day of May; early in the morning of the 7th, before day. They took me from my house and abused me.

Question. How did they come into your house?

Answer. They broke into the house; two or three came to the door and pushed the door open and came into the house. They took me from the house and carried me off about fifty yards, and made me lie down flat on the ground, and whipped me. I have here the hickories to show what they abused me with. While they were engaged in abusing me, my wife ran to me and got over me like, but they jerked her away, and one of them said, "Give her a little if she don't get out of the way." They hit her upon the hands, and then afterward held her away until they got through beating me.

Question. Did they strip you?

Answer. I had only my night-clothes on.

Question. How many blows do you suppose they struck you?

Answer. I have no idea how many; I cannot tell you how many.

Question. You could tell whether it was ten or a hundred?

Answer. I expect it was a hundred, if not more. They made me lie flat on the earth, and there were two whipping me crossways like, and one lengthways. I was hurt the worst upon the shoulders. I have here the hickories that they used, if you wish to see them.

Question. Let us see them.

Answer. [The witness took from a carpet-bag some hickory sticks.] This breaking of the sticks was done by me, so that I might get them into this satchel. All three of these were used at the same time.

Question. I notice the ends of these sticks are broken; did you find them broken in that way?

Answer. Yes, sir; all frazzeled like that, just as they are here.

Question. The fresh breaks were made by you?

Answer. Yes sir. [The sticks were from eight to ten feet long, and at the larger end about as thick as a man's thumb.]

Question. Were they disguised?

Answer. Yes, sir.

Question. In what way?

Answer. They had something over their bodies similar to gowns. I have a cap here with me that was found there. This is it, [showing a covering for the head, made of calico.] There was a stick placed in the hind part of this cap in order to make it stand up straight. And there are holes here, as you can see, for the eyes, mouth, and nose, marked with some red stuff.

Question. Where did you find that?

Answer. On the spot where they abused me.

Question. How far did they take you from the house?

Answer. About fifty yards I think; maybe not quite so far.

Question. Were you in bed when they came to the house?

Answer. Yes, sir.

Question. Did you get up out of bed voluntarily, or did they pull you out of bed?

Answer. They told me in the first place to get up and make a light. I did not mistrust they were going to beat me. When I got up they took me from the house.

Question. You did not open the door and let them in?

Answer. No, sir; two of them broke the door open and came into the house.

Question. Then you got up to make a light?

Answer. I think I was about on the floor when they broke the door open.

Question. Have you children?

Answer. Yes, sir.

Question. How many?

Answer. Two; I have but one now; one has died.

Question. Where were your children?

Answer. My first child was dead when they came. There was but one there at the time, and it was in bed.

Question. Did they strike your wife, except the one blow on the hand?

Answer. That was all.

Question. You say that she attempted to cover you from the blows?

Answer. Yes, sir.

Question. Did you know any of those men?

Answer. I am satisfied in my own mind about some of them, but as to swearing point-blank to them, I cannot, for their faces were all covered up.

Question. Were they all disguised in that way?

Answer. Some of them had sticks in their head covering so that it would stand up, and some had not, and the covering would hang down behind. They all had their faces covered up with the exception of the holes.

Question. Did they give any reason for treating you in this way?

Answer. Just after they left my house they asked if I had not been stealing—just in that way. I very plainly told them that I did not do the like, and I can bring my character from my neighborhood how I live, &c.

Question. Do you know, or are you satisfied what the reason was that they mistreated you in that way?

Answer. I have understood since that it was on account of my politics.

Question. What are your politics?

Answer. I have always been a republican.

Question. What is the feeling in that part of the country toward republicans?

Answer. Well, it is pretty bad.

Question. Are they treated with common respect and civility in passing and repassing?

Answer. Well, tolerably; but they don't like the idea of them, and a great many are treated with contempt on that account.

Question. What did you say was the understanding in regard to the number of Ku-Klux in your county?

Answer. I stated that I thought there was a considerable number in that county.

Question. Are they understood to be organized and to have oaths and signs and grips and pass-words?

Answer. Yes, sir; I think that is the understanding with those who do not belong to them; I think it is the understanding with all that there is such a thing as an organization in that county.

Question. To which political party is it supposed the members of that organization belong?

Answer. To the democratic party.
Question. Have you ever heard of any republicans belonging to the Ku-Klux?
Answer. Yes, sir; I have heard of them turning over, but I do not know it to be so.
Question. Why did those republicans join them?
Answer. I do not know; that is a question I cannot answer; I do not know it to be so, but such things are talked about.
Question. You have heard that rumored?
Answer. Yes, sir.
Question. To which party do those belong who are opposed to the Ku-Klux?
Answer. They generally belong to the republican party.
Question. Have you seen the Ku-Klux at any other time except when they whipped you?
Answer, No, sir; none in disguise.
Question. Had you heard of them previously?
Answer. Yes, sir.
Question. How long before?
Answer. About three months, I reckon.
Question. What did you hear they had been doing?
Answer. Well, it was supposed that there was such a thing as Ku-Kluxism that had come into the settlement; and it was said that they held their meetings not far from where I lived. I do not know that; it was just a settlement report. I did not make any inquiry into it, for I did not think much of it until they came to my house. I have since tried to find out all about it I could, but I have not found out a great deal.
Question. Have they been around the country there since?
Answer. Yes, sir.
Question. What have they been doing?
Answer. Abusing people, and taking their guns away from them.
Question. Abusing them in what way?
Answer. Mauling them with hickories, and sticks, &c.
Question. Have they abused any women?
Answer. Yes, sir; I have not heard of any white women being abused by them.
Question. Have they abused any white men?
Answer. Yes, sir.

By Mr. BAYARD:

Question. When you say that all the people who have been abused by them in this way are republicans, do you mean by that that you know personally the politics of all those who have been so abused?
Answer. Yes, sir.
Question. Do you know them all?
Answer. Yes, sir; I am satisfied what they are in my county; that they are all of republican principles.
Question. Are there any such things as illicit stills in your county?
Answer. I think so; that is one thing I do not pay much attention to; I do not have anything to do with it.
Question. You know there are such things?
Answer. Yes, sir; there are such things about in that country.
Question. Do you know whether these Ku-Klux bands are gotten up to prevent people from reporting upon those illicit stills?
Answer. No, sir; I am not knowing to that; but I can tell one thing: this klan that came to my house that night went to a still-house in that settlement the fore part of the night. Persons told me this, that that crowd went to a still-house and got whisky before they came to my house.
Question. That still was running unlawfully, without paying a tax?
Answer. Yes, sir.
Question. And they went there and got whisky before they came to your house?
Answer. Yes, sir; they came right on toward my house from there.
Question. You said that nothing was said to you at the time of this outrage upon you, except that they asked you something about your stealing?
Answer. Yes, sir; they just asked me the question; they did not accuse me.
Question. After they had abused you so, they hollooed back that question to you as they left, or was it before?
Answer. It was before. I told them I did not, of course.
Question. You were asked by the Chairman whether you had learned since the reason why they abused you so?
Answer. Yes, sir; he asked me that question.
Question. And you said that you had learned their reason for abusing you?
Answer. Yes, sir; for my political principles.
Question. From whom did you learn that?
Answer. Well, my own brother got hold of it somehow or another at Buchanan, the

county seat; he heard that that was the cause of their abusing me, because I did not vote the democratic ticket.

Question. How did he get hold of that?

Answer. I do not know; I did not ask him. He got hold of it some way.

Question. Your reason for saying that is a rumor that you cannot trace to any particular person?

Answer. I suppose I could if I was a mind to try.

Question. Have you done it?

Answer. No, sir.

Question. Are you able to state it upon any stronger grounds than you have stated already?

Answer. No, sir.

Question. In regard to similar cases of outrages upon other people in your settlement, have you any personal knowledge of them, or do you state what you have stated here merely upon information and rumor?

Answer. I have no personal knowledge outside of my own case.

Question. And that single case is the only time you ever saw them?

Answer. Yes, sir.

Question. That is the only case of which you have any personal knowledge?

Answer. Yes, sir.

Question. And all the other cases you speak of are known to you by rumor only?

Answer. Yes, sir.

By Mr. VOORHEES:

Question. Have you been before the grand jury here about this trouble?

Answer. Yes, sir.

Question. Have you given the names of those men so far as you know them?

Answer. Yes, sir; I gave some names of the crowd.

Question. All that you knew?

Answer. Yes, sir.

Question. When was it that you were before the grand jury?

Answer. I forget what day it was—one day last week.

By Mr. BAYARD:

Question. Before the United States grand jury here?

Answer. Yes, sir.

Question. Were any arrests made by the marshal?

Answer. No, sir.

Question. You say you are unable to identify any of those men, they were so disguised, but that you had suspicions who they were?

Answer. Yes, sir; I am unable to identify any of them.

By the CHAIRMAN:

Question. You have been asked as to your knowledge of these things of which you have spoken. Did you ever see a man called General Grant?

Answer. No, sir.

Question. Do you know of your personal knowledge that any such man as he is the President of the United States?

Answer. Certainly I have knowledge of his being President of the United States.

Question. Have you ever seen him personally?

Answer. No, sir.

Question. You know it from rumor?

Answer. Well, I ought to.

Question. You know it from information that you believe to be reliable?

Answer. Yes, sir.

Question. In regard to what you have told us concerning Ku-Klux operations outside of your own particular case, and the reason why they mistreated you in that way, do you know that from information that you believe, as you believe other things of which you have information?

Answer. Certainly, I do.

Question. You have been asked in regard to distilling. Had you interfered in any way with those distilleries, or made any threats about them in any way, or done anything in regard to them?

Answer. I have had nothing to do with them.

By Mr. VOORHEES:

Question. Do you know where this man General Grant lives?

Answer. Just from rumor.

Question. Where does rumor say he lives?

Answer. When he is at home he is in Illinois.

Question. Where does he live while he is President?

Answer. In Washington.
Question. Does rumor say that he stays there or in other places most?
Answer. I do not know that I have ever made any diligent inquiry about the like of that.
Question. Do you know whether he has been in Washington this summer?
Answer. I reckon he has; I do not know; I have never made any inquiries about it.
Question. Have you ever heard any rumors upon that subject?
Answer. No, sir; I live in a backwoods country.

By the CHAIRMAN:

Question. This property you have brought here you will leave with our clerk, who will take charge of it. We want to take it to Washington and let them see what things have been used out here.
Answer. These hickories and this disguise?
Question. Yes.
Answer. Well, you are perfectly welcome to them.

ATLANTA, GEORGIA, *October* 25, 1871.

SOLOMON WOOD sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your occupation.
Answer. If I live to see the 11th day of next May, I will be fifty-nine years old; I was born in South Carolina; I now live in Haralson County, Georgia; I am a farmer.
Question. Are there any such people in your county as are commonly called Ku-Klux?
Answer. Yes, sir; I would suppose there were; they have passed my house several times.
Question. How many times?
Answer. I cannot recollect. I can hear them riding by there very often just before day, a great many of them; we suppose them to be the Ku-Klux. Those that came to my house I knew; they were not disguised.
Question. When did they come there?
Answer. On the 30th day of July, betweeen 10 and 11 o'clock at night. There were but two of them that I saw.
Question. Tell us what they did.
Answer. They came there and hollered. They altered their voices, as Ku-Klux generally do, or as people say they do. They kept hollering, but my wife did not want me to get up. I have got a house full of children; I have nine little children; I have been married the second time. My wife was scared nearly to death; she kept at me not to get up. They swore they would raise me anyhow. They came at the door. I opened the door, and a man stood there within six feet of me with a pistol. I wanted to put on my clothes, but he said, "Come out here, or I will put a bullet through you." I had no weapons and I was obliged to go. He commenced shooting at the house; he fired four bullets at the house; three went into the walls of the house, and one went into the house where my wife and children were. Those four bullets were all that he had in his pistol. I went up to him and took him by the shoulder and shook him and said, "I know you." He hushed up cursing then. They commenced to curse me for a radical, and then said, "Why don't Joe tear the house down?" They then went off. I do not live far from the man; I rent land from him. I heard them the next morning close to my house and I saw them; they did not have their horses with them. I thought they were men of the same brand. I put on my shoes as quick as I could and went after them. Just as I got there they had caught their horses and were saddling them. I said, "I found out one of you last night, and I come here now to find out the other." They made out that they supposed I knew both of them the night before.
Question. Was it true that you were a radical?
Answer. Certainly, I always supported radical principles.
Question. Were these men radicals?
Answer. No, sir; they were not.
Question. What were they?
Answer. They were democrats.
Question. Had they been in either army during the war?
Answer. They said they had.
Question. In which army?
Answer. In the southern army.
Question. How old were they?

Answer. One of them is a young man; neither of them is more than thirty-five or forty years old, I reckon.

Question. Had you heard of the Ku-Klux riding about there before that time?

Answer. Yes, sir, frequently; the public road is not more than twenty steps from my door.

Question. Have you heard them since?

Answer. Yes, sir; they passed there since, and went on to one of my neighbors and abused him a great deal; they run him off, and he is here now.

Question. What is his name?

Answer. Mr. Addison. He lives a near neighbor to me. They took him out in the day-time and shot at him and run him off from his own home.

Question. How long have you heard of these people called the Ku-Klux in your neighborhood?

Answer. I have been hearing of them a good long time, but I never knew of their being in my settlement until last spring. I heard of their killing men in other places; and one was killed not far from where I lived.

Question. Who was he?

Answer. John Walthall.

Question. How far from where you lived?

Answer. About five or six miles. And they beat some, not more than three miles from where I lived, almost to death. The black people are settled along on the top of the mountain; they make raids in there, and beat them up mightily. They tell me that they come there at nights in gangs of twenty or thirty. I should suppose there were that many who come by my house at times, by the way they make a noise. I am deaf on one side of my head, in consequence of a limb of a tree falling on my head.

Question. What is it understood they are beating and abusing people for?

Answer. Well, one thing is they do not want them to vote. When the election was held there for a member of the legislature there was a tie, and they had to run the election over again. They did not want a member of the radical party elected, and they beat and abused these people to keep them from going to the election. They threatened to kill some of the black people if they voted; and in fact some white men were afraid to vote, for fear these people would kill them.

Question. When was that election held?

Answer. It has just passed; it was held on the fourth day of this month.

Question. Is it understood that they have been riding about this summer and abusing republicans to prevent them from voting?

Answer. That is about what they did it for.

Question. You say the election before resulted in a tie?

Answer. Yes, sir.

Question. How did this last election go; which party succeeded?

Answer. The democratic party succeeded, I think, by forty-five votes. There is a man here that can tell you more about that than I can; he is a smarter man on this business, and lives in Buchanan. His name is Mr. Gentry, and he will be in here directly, I expect, when you get ready for him. He is here, I know, for he is the one who brought me here. We are now all afraid to go home.

Question. What are you afraid of?

Answer. We are afraid that they will kill us.

Question. Why?

Answer. Because they know that we have come here. I was summoned and brought here. I know that the whole crowd who are with me are afraid they will be killed. They threatened that if anybody ever reported on them they would kill him.

By Mr. BAYARD:

Question. You say you have heard bands of men riding by your house?

Answer. Yes, sir.

Question. Did you ever look out and see them?

Answer. No, sir, I never did; to tell you the truth, I was afraid of them; I did not want to see them.

Question You say you have heard the sound of horses' feet going by in the morning?

Answer. Yes, sir.

Question. You never saw any disguised men?

Answer. No, sir.

Question. Two men came to your house without disguises?

Answer. Yes, sir.

Question. Who were they?

Answer. Lewis Pope and Newton McClung.

Question. Did you go before the grand jury here?

Answer. Yes, sir. I have been here all the time; they will not allow me to go home.

Question. You were here to testify against these men for this outrage on you?

Answer. That is just what they brought me here for, they said.
Question. You testified to all this before the grand jury in the court-house here?
Answer. Yes, sir.
Question. That was last week?
Answer. Yes, sir.

By Mr. LANSING:

Question. Do you know whether McClung and Pope were indicted?
Answer. No, sir; they were not.
Question. They have been discharged?
Answer. They were not indicted there.
Question. Have they been indicted here?
Answer. I do not know.
Question. Are they under arrest?
Answer. Not that I know of.

By Mr. BAYARD:

Question. Do you know whether indictments were found against them on your testiony?
Answer. No, sir, I do not know; I never knew what they did here at all.

ATLANTA, GEORGIA, *October* 25, 1871.

JOSEPH ADDISON sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you live, and what is ur present occupation?
Answer. I am about twenty-four years old; I was born in Muscogee County, and w live in Haralson County; I have been living there ever since I was a little bit of oy; I am a farmer.
Question. During the war which side were you on?
Answer. I never fought a day in the rebel army; I was not in it at all.
Question. Which side were your feelings on?
Answer. My feelings were on the side of what you call the radical party now.
Question. What did they call it then?
Answer. I was what you call a Union man then.
Question. Were your opinions well known?
Answer. Yes, sir; I reckon I am well known.
Question. Have you seen any people, or do you know of any, in your county, called u-Klux?
Answer. Yes, sir.
Question. Tell us what you know about them.
Answer. Do you want me to state just about all how they did?
Question. Yes.
Answer. I will tell you how they did me. They came on a neighbor of mine, a brothin-law, who lived right close to me. They took both him and his son out, and ipped them. They sent me word to leave where I was living. I said I should not it. They said that if I did not leave they allowed to shoot me. I laid out then out three weeks. I then went into the house and laid there, I believe, two nights. e third night they came on to me, and took me out and hit me some ten or twelve ks with a hickory. They then told me they would give me ten days to get away in. egged them to let me stay until I had made my crop; they said I should not do it. ree or four of them kept saying, "He is not going." I said, "If I am obliged to go, will go." They said, "You would rather go than to die, wouldn't you?" I said, es, I would rather do anything than to die." They just went off and left me there. at was in the last of March, the first time they came on me. I laid out then, and e next time they came on me was the last day in May, on a dark rainy evening, out a half an hour by sun. I had been to the store to sell some wheat and corn, so to get some little things I wanted. I did not sell it, but brought it back home. I t back, I reckon, about 2 or 3 o'clock in the evening. My wife had been hoeing cot-n, and asked me if I wanted dinner; she said there was cold victuals enough for ner. I ate a cold snack; we then went on and hoed until it came up to rain. I ed out the row we were on, and she went to milk the cow. I then took the wheat o the house, and backed the wagon up under the eaves of the crib. My wife then t supper, and I went in and sat down to supper. I got about half done eating when e of the dogs broke out barking powerfully. I said, "What is that dog barking at?" y wife looked out and said, "Lord have mercy! Joe, it is the Ku-Klux." I jumped out

of the door and ran. One of them was right in the back yard, and he jabbed the top of his six-shooter almost against my head, and said, "Halt! God damn you." I said, "I will give up." I asked them what they were doing that for; they said that I had been stealing. I said, "You men here know I have not." They said, "We gave you time once to get away, and, God damn you, you have not gone; now, God damn you, you shall not go, for we allow to kill you." I said, "If you do not abuse me or whip me, I will go the next morning." They said they would not abuse me or whip me, but they would kill me. I said, "Let me go and see my wife and children." They said, "No, God damn you." I turned away from the man; he jammed his pistol in my face, and said, "God damn you, go on, or I will kill you." They took me about eighty or ninety yards from there into a little thicket. The man on my right was a high, tall man; the one on my left was a low, chunky fellow. The man on my right stepped back, and said to the little fellow on my left, "Old man, we have got him here now; do as you please with him." There were some little hickories near him; he looked at them, but did not take them. They were all standing right around me with their guns pointing at me. Just as he turned around, I wheeled and run; but before I had run ten yards I heard a half a dozen caps bursted at me. Just as I made a turn to go behind some buildings and little bushes, I heard two guns fired. I must have gone seventy or eighty yards, and then I heard what I thought was a pistol fired. I heard a bullet hit a tree. I run on eight or ten steps further, and then I heard a bullet hit a tree just before me. Every one of them took after me, and run me for a hundred and fifty yards. I ran down a little bluff and ran across a branch. When I got across there, I could not run any further, for my shoes were all muddy. I cut the strings of my old shoes, and left them there. I stopped to listen, but I never saw anything more of them. I then went around and climbed up on the fence, and sat there and watched until dark. I then went to the house and got some dry clothes, and then went back where I had fixed a place in the woods to sleep in, and went to bed. That was the last I heard of them that night. They came back Sunday night before court commenced on Monday, in Haralson County. My wife would not stay there by herself, but went to her sister-in-law's, Milton Powell's wife. They came in on them on Sunday night, or about two hours and a half before day Monday morning. They abused her and cursed her powerfully, and tried to make her tell where I was. They said that if she did not tell them they would shoot her God-damned brains out. I was laying out close by there, and I stood there and heard them. They shot five or six shots in the yard; some of them said they shot into the house. They scared my wife and sister-in-law so bad that they took the children and went into the woods and staid there all night. That was the last time they were there.

Question. In what month was that?

Answer. It was last month, I believe. It was Monday morning about two hours and a half before day. They then told my wife that if they ever caught her or Milton Powell's wife back there again they would kill the last God-damn one of them. That is about all I can tell, I believe.

Question. Have they ever molested you since then?

Answer. No, sir; they have never been on me any more since then.

Question. Do you still stay there?

Answer. No, sir; I have done moved now. I moved off, and left my hogs and my crop and everything there, what little I made. I did not make much crop this year, for I was afraid to work, and now I am afraid to go back there to save anything.

Question. Where do you stop now?

Answer. I live about ten or twelve miles from there, down on the Tallapoosa River.

Question. Where is your brother-in-law now?

Answer. He has done left and gone away over into the valley.

Question. How many men came there the first time in March?

Answer. Seven.

Question. How many came there in May?

Answer. Six.

Question. How many came there this last time?

Answer. I do not know, for I never saw them.

Question. Do you know any of them that came either time?

Answer. I know two of them.

Question. Who were they?

Answer. One was Joe Roe, and the other was John Gilpin.

Question. Who was the one they called "old man?"

Answer. I do not know who he was.

Question. How many shots do you suppose they fired, and how many caps were bursted?

Answer. There were four shots fired at me. I do not know how many caps were bursted; I expect that they bursted over a half dozen caps; I am very sure they did.

Question. The first time they came there, you say they charged you with having been stealing?

Answer. That was the second time. The first time they said I had been talking bout the Ku-Klux, and had threatened to cut them with my knife. The next time hey came back they said I had been stealing. I said I did not steal, and that the peo-le around there, who knew me all the time, knew that I had done nothing wrong.

Question. Did they say what you had been stealing, or from whom you had been tealing?

Answer. No, sir, and I never asked.

Question. What family have you?

Answer. I have a wife and three children.

Question. What, in your opinion, was the reason that they persecuted you in this way?

Answer. I just think it was on account of politics—that it was because I was a radical; just believe that was what it was done for.

Question. To what party do you suppose these men belong?

Answer. Some of them are strong democrats; the one I know, that is Joe Roe, is a trong democrat.

Question. How long had you heard of the Ku-Klux in Haralson County before they ame on you?

Answer. I do not remember how long it has been; I reckon it has been over a year.

Question. State whether it is understood that they have been riding about there a reat deal this summer.

Answer. Yes, sir.

Question. What have they been doing?

Answer. They have been doing right smart of whipping; they have beat up lots of eople powerfully, and they killed a black man there not long ago.

By Mr. BAYARD:

Question. What is his name?

Answer. John Walthall.

By the CHAIRMAN:

Question. Do you know any reason why they should make war upon the radicals at his particular time? Was there any election on hand?

Answer. It was just before the election for a member of the legislature, a short time ack; it was just before the election that they made all their raids.

Question. Did you hear of anybody being raided on, or molested or disturbed in any ray, black or white, except those that are called radicals?

Answer. Never one.

By Mr. BAYARD:

Question. Have you been before the grand jury here?

Answer. Yes, sir.

Question. When did you appear before them?

Answer. It was one day last week.

Question. Did you state there the same you have stated here?

Answer. Part of it I did not; I did not state to the grand jury this part about their hreatening to kill my wife and children if they caught them back there, and there night have been some other little words I did not tell them.

Question. You made the same statement, in substance, that you have made here?

Answer. Yes, sir.

Question. Were those men in disguise?

Answer. Yes, sir.

Question. Were they completely disguised?

Answer. They were disguised over the face except the eye-holes and mouth. I could ee the whiskers through the mouth-holes; that is the way I knew one man, and I ould see the white on their necks.

Question. Did they have anything over their bodies?

Answer. Yes, sir; it looked like a shirt made of some sort of calico.

Question. You say you recognized two of them?

Answer. Yes, sir.

Question. Were they neighbors of yours?

Answer. Yes, sir; one of them I was raised up with from a boy.

Question. I understood you to say that when these men got you out, at the time you roke away and escaped, one of them said to another, "Old man, we have him here ow, and you can do what you please with him."

Answer. Yes, sir.

Question. Who was he?

Answer. I do not know; he was a low, chunky fellow.

Question. Have you any idea who that man was?

Answer. I have a little idea.

Question. Was it any man who had anything against you?

Answer. No, sir; I could not say that one man in my settlement had anything against me.

Question. Do you know why you should be brought out for that old man?

Answer. No, sir.

Question. There was nothing between you and any such man?

Answer. No, sir; there was no difficulty between me and any man except Henry Wimpy; we had some little difficulty about a gun.

Question. Do you believe this affair had nothing to do with that?

Answer. I think he had a hand in it. The night they came on to me, I and some others tracked his mules right up to his gate. We measured the mule-tracks and they fitted his mule point-blank.

Question. You say he was concerned in it?

Answer. Yes, sir; and my wife said she knew him, and that she knew another boy of the name of Jebb Hicks. She said she was crying and taking on about me, when they were carrying me off, and he got his gun and said if she did not hush up he would shoot her God-damn brains out.

Question. Did you make that statement before the grand jury?

Answer. That is another thing I did not tell the grand jury, for I never thought of it.

By the CHAIRMAN:

Question. Was the person they called "old man" the same person you had a dispute with about a gun?

Answer. No, sir. The man I had the difficulty with was a big, heavy, chunky man, and this fellow on my left, that they called "old man," was a little, low, chunky fellow.

Question. What did he do?

Answer. He just stepped back with his gun. There were some little hickories and chestnut switches there, and he looked at them as if he was going to them, but he did not make any move toward them. They were all standing with their guns; he turned around and stepped back with his gun, and got it between me and him, and I broke and run. Before I had run as far as across this room, a half a dozen caps were bursted at me.

Question. When he brought his gun down, did he present it as a man would who was going to shoot?

Answer. Yes, sir; he had it cocked, and had his finger on the trigger.

By Mr. BAYARD:

Question. This was in the day-time?

Answer. Yes, sir; maybe a half an hour or an hour by sun.

By the CHAIRMAN:

Question. Did you have any neighbors near you?

Answer. Yes, sir; my brother-in-law lived about half a mile from me; a widow woman by the name of Mrs. Durr, and Jim Henderson, who married one of Mrs. Durr's daughters, lived about half a mile from me; Joe Brown lived about a mile from me, and Sam Wood about the same distance.

Question. Had you any neighbors within less than half a mile?

Answer. No, sir.

Question. Tell us all you know about your brother-in-law being whipped.

Answer. I have just his word for it. He said that they never said anything at all to him why they whipped him.

Question. When did they whip him?

Answer. I cannot tell exactly.

Question. Did they whip him at that time when they came to your house?

Answer. They whipped him that time when they sent me word to leave; it was four or five weeks, maybe longer than that, before they came on me.

Question. Did you understand whether they gave him a severe whipping?

Answer. They hit him three or four licks; and they hit his son three or four.

Question. They gave him no reason why they whipped him?

Answer. No, sir; he said they never gave him any reason why.

ATLANTA, GEORGIA, *October* 25, 1871.

A. B. MARTIN sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, where do you now live, and what your present occupation?

Answer. I will be seventy-one years old on the 17th day of next January; I was born in Carolina, and now live in Haralson County; I keep a shop there, and farm it, too.

Question. What kind of a shop do you keep?

Answer. A work-shop, wagon-making, or anything of the kind; sometimes chairs, and sometimes bedsteads. I keep a turning-shop and a wagon-making shop.

Question. You are a mechanic?

Answer. Yes, sir, that is my trade. I can make nearly anything out of wood. If anything is misplaced in any way, they just call on me, and I fit it up.

Question. How long have you been living in Haralson County?

Answer. I crossed the Chattahoochee from Carolina the very day of Polk's election.

Question. You had lived in South Carolina before that time?

Answer. Yes, sir; I was born and raised there, and my youngest baby was born there.

Question. Where were you during the war?

Answer. Part of the time I was in Cass County. Major Cooper sent for me to oversee a company of hands for him. I went up there, leaving part of my things at home; when I finished my job, they found out I was a wagon-maker, and I bossed his shop for four years.

Question. Who was that?

Answer. Major Cooper.

Question. Mark A. Cooper?

Answer. Yes, sir.

Question. On which side were you during the war?

Answer. I have been a Union man from my boyhood; I was not taught anything else by my parents.

Question. Are there any such people in your county as are commonly called Ku-Klux?

Answer. There are a set of men there that are disguised people. They disguise themselves with calico, or anything, I do not know what all. I have seen some of them in the night that were disguised.

Question. How many times have you ever seen them?

Answer. I got to know them only one night.

Question. Where was that?

Answer. At my house.

Question. When was it?

Answer. On the 7th of last May.

Question. What did they do?

Answer. I will tell you plainly how the circumstance took place. I lay in one room and my sister-in-law in another. I had just got to sleeping soundly, so I had to be shaken two or three times to wake me up. The first I knew she was shaking me, and said, "Mr. Martin, get up; there are a hundred men coming here, I think." I jumped right up, with my drawers on, and ran out and opened the front door. I peeped out, and it looked to me like a heap of women. My mind struck me that it was another runaway set wanting to get married. The Alabama line is right close by, and they run over on our side to be married. Such things had happened before, and I thought it was all right. I opened the door wide open, and said, "Come in." I set the chairs as well as I could feel them, and said that I would put on my clothes and be out in a minute. I put on my pants over my drawers. As I went in, I told my sister-in-law to light the candle. She smelled a rat a little worse than I did. I got through, and when I went out they presented their guns at me. They took me and my step-son out and whipped us a plenty. They whipped me so that I had to tote my drawers and pants in my hands to the house, and they whipped my step-son pretty considerably. I do not know what sort of people they are, whether Ku-Klux or not, but I am sensible that some of them are pretty close neighbors to me. They are mighty rigid democrats, and I was as much the other way. Gentlemen, I will tell you just as it is. I am a Union man, certain.

Question. Did they strip you when they whipped you?

Answer. No, sir; I had my under-shirt and over-shirt on, and my drawers and pants on. My suspenders were held with horn buttons, and they whipped me until they cut the buttons all to pieces, and I had to carry my clothes in my hands.

Question. How many blows do you suppose they struck you?

Answer. I cannot tell you. They struck me until I had no feeling; if they had whipped on until yet it would not have made much odds.

Question. Your sense of feeling was entirely gone?

Answer. I had no feeling.

Question. How far was that from the house?

Answer. About two hundred yards.

Question. Did they whip you standing up?

Answer. They made me lie down on my belly.

Question. Did they hold you down in any way?

Answer. No, sir; I tell you my principles are pretty strong, and I just thought I could bear anything.

Question. What did they whip you with?

Answer. I cannot tell you. It was something that flew off in the time of it. There came another man walking along, and spoke to him, and they went off, and, I think, fixed it again; and then he came back and fixed it another spell. They got up and put a rope around my neck, and tried to draw me up to a post-oak sapling. And then they whipped me about the legs. If you have ever been bit by a horse-fly you know that they bite pretty sharp; that is about all I could feel. My neck is swelled yet, and it was black for two months.

Question. You say they whipped your step-son?

Answer. Yes, sir; at the same time.

Question. Is he here?

Answer. He was fetched here on this same case; we both went before the grand jury.

Question. I understand you to say that in your opinion those were democrats who were whipping you, because you were a radical and a Union man.

Answer. Yes, sir; and I was an officer. I had been a notary public for some time, and I think they begrudged me the office. I will tell you what makes me know it was my politics. After they crossed the fence and got down into the big road, (I omitted telling that to you before,) the first word any one of them said to me was, "What is your politics?" I told them I was a Union man from my cradle, and did not know anything else but to be a Union man. Another man said to me, "Can you pray?" I had begun to see into the thing pretty plainly, and to know that something was going to take place. I said, "I am not a praying man; but if I was, the prayers of the wicked avail nothing." One took me with a gun across my head, and sort of staggered me. I am confident it was on account of my politics; I know it.

Question. How many were there in the crowd?

Answer. They had some negroes along with them, prisoners; the negroes say there were sixty of them, but some of them would not come to my house at all; they said that more than half of them would not go there. I think there were fifteen or twenty who came to my house.

Question. Do you know the names of any of the negroes?

Answer. Joseph Ray was one, George Carter was another, and George Walthall was the third one.

Question. Are they here, any of them?

Answer. No, sir.

Question. What did they do with those negroes?

Answer. I know what they told me.

Question. What was that?

Answer. They said they whipped them powerfully, and kept whipping them; and they are afraid to come here. A great many of them are afraid actually to tell what they know; I know that. There was a tie vote at the last election, and I had to take one of the party to help me to manage the election.

Question. Were they men you supposed to be connected with the Ku-Klux?

Answer. I do not suppose they ever went with them; but I believe their good wishes were with them, and that their sentiments are with them.

Question. In regard to this election, did your people all vote the last time?

Answer. I know of four of them who would not go in my precinct, and they advised me not to go; two of them were my sons-in-law. They advised me not to open the election, but I went up myself and opened the election. I am not afraid when I think I am in a good cause. I could not get managers without taking two democrats to manage, Jesse Goggins and Jesse Newland. Goggins marked the tickets. I took a ticket myself, and said to Mr. Goggins, "That is the one I am going to vote." Newland wanted to take the returns of the election, and I said, "No man shall tote it there but me; I will take it certain." I took it, and returned it.

Question. Did you hold the election the last time at the same place where there had been a tie vote?

Answer. No, sir. At the time of the tie vote they would only let us hold the election at Buchanan. At this election we were authorized by the governor to hold it at our precinct. I was the only notary public in the district, and I was obliged to act, though I was persuaded not to do it. I told them I would do it.

Question. You stated when you saw this crowd coming, you thought it was a runaway couple coming to you, as a justice of the peace, to be married?

Answer. Yes, sir.

By Mr. LANSING:

Question. What was the character of their disguises?

Answer. All I can say is this: the next day my wife and somebody else went up to where they whipped me, and they found a calico piece, and fetched it back to me; it was made of calico.

Question. What was that?

Answer. It was something like a ribbon—something they had hung on top of their masks.

Question. Had they on anything like gowns?

Answer. Yes, sir; at first they looked like a parcel of women.

Question. That is why you supposed it was a runaway couple coming to be married?

Answer. Yes, sir.

Question. Coming to your place as a sort of Gretna Green?

Answer. I thought it was a runaway match. There had been the like before, but I never got whipped for it before. In Alabama they have to give a bond of security for good performance before they can get a license to marry, and I had blank licenses from the ordinary.

Question. You can marry them at sight?

Answer. I can fill them out, for the ordinary authorizes me to do so.

Question. What do you think is the state of feeling down there to-day toward your people who have come up here to testify?

Answer. I think the Ku-Klux have a majority in our county. And, farther than that, I can say that I and my wife have not slept in my house three nights since then.

Question. How do you feel about going back?

Answer. I am not going back.

Question. Why not?

Answer. Because I am afraid to go among them now. There is not a thing in my house now; I rented out my place before I left. My son-in-law is taking care of my corn-fodder and things.

Question. You say you know of some democrats whom you do not believe belong to the Ku-Klux, but who encourage them?

Answer. I am certain of that. Duncan Monroe is one; I am as certain of it as I can be of anything I do not positively know.

By the CHAIRMAN:

Question. What makes you think so?

Answer. I heard him tell a man there, about a man in the neighborhood, "If he don't leave in three days, I will have him Ku-Kluxed;" and they went and did it. His name was Thomas Powell; they went and whipped him and his wife, and scared her nearly to death.

Question. Is he a prominent man in the settlement?

Answer. He is a good man as to property; but I do not like a man of such principles.

Question. Does he live well?

Answer. He lives in a brick house, within a mile of me.

Question. Did he own slaves before the war?

Answer. He owned two. I bought a negro to wait on me, and gave two thousand dollars for him. He hung on to his. I said, "I am glad mine is free;" and I said to him, "Dick, behave yourself."

By Mr. BAYARD:

Question. Have you been before the grand jury here?

Answer. Yes, sir.

Question. Did you make the same statement to them that you have made here?

Answer. Yes, sir; about as near as I can recollect.

Question. Did you know any of those parties who made this assault on you?

Answer. Yes, sir.

Question. Did you give their names?

Answer. I did to the grand jury.

Question. How many did you know?

Answer. Six.

Question. What are their names?

Answer. James Casey, Thomas Casey, Jack Thomas, David Lowry, James Cox, and James Garner. I am confident I know them.

Question. You identified those men as being of the party who committed this outrage on you?

Answer. James Casey is one that I named as one man who beat me.

Question. You know these parties you have named?

Answer. Yes, sir. After they got through with me, they told me to go and stand against a post-oak and rest myself. This Casey had not moved a foot from where he whipped me. He raised up his mask, which he had hung over his face, and the moon shone right plumb into his face, and he was not a yard from me. He was a man I had known ever since 1844. That is why I identified him, because I saw him.

Question. What was Casey's business there?

Answer. He is a farmer; he lives in Polk County, just over the line; these men all lived in Polk County.

Question. How far from your house?

Answer. The furthest about four miles off; one lives a little over a mile; and another about a mile and a half. To Casey's house you might think was two miles, but I could go a nearer way. If you take a wagon, you must go two miles.

Question. Did you give these names to the officers here before the grand jury?

Answer. I gave them to the grand jury.

Question. When did you do that?

Answer. On Thursday, I reckon.

Question. Thursday of last week?

Answer. Yes, sir.

Question. That was the first complaint you made against them?

Answer. Yes, sir.

Question. Do you know whether they were indicted?

Answer. I cannot say.

Question. You do not know now what the result of the complaint was before the grand jury?

Answer. No, sir, only they have given me a subpœna to be here in March.

Question. Then you expect these men will be tried for that offense?

Answer. Well, I think they ought to be. If a man was to shoot another there, and I should issue a warrant, I could not get a man to arrest him. I have a list of all the abuses there, in my haversack. I have seen the sheriff arrest one, myself, and he and his father came with his pistol and shot him.

Question. Who was that sheriff?

Answer. The sheriff of Haralson County.

Question. What offense had that man committed?

Answer. He had shot at another man, a man by the name of Hancock; that was given in before the grand jury.

Question. Have witnesses been summoned for the trial of that case?

Answer. I know Hancock himself was here, the one they shot at.

Question. That complaint is now before the grand jury of the United States?

Answer. Yes, sir; he told me he put it before the grand jury. He got the deputy sheriff so scared that he flung up his commission.

Question. You are a notary public and justice of the peace of that county?

Answer. Yes, sir.

Question. What is the population of that county?

Answer. Now you are too fast for me.

Question. Do you recollect what was the number of votes cast at your election?

Answer. We used to run 160 and 170 votes there altogether; but this time there were only 40 on the democratic side, and 15 on the other.

Question. That was in your precinct?

Answer. Yes, sir.

Question. Do you know how many there were in the whole county?

Answer. I disremember the whole count.

Question. You say there were 15 votes for the republicans?

Answer. Yes, sir; and 40 for the other side, when it used to be two-thirds republican before these Ku-Klux came up.

Question. How many of the republican votes were given by whites, and how many by blacks?

Answer. There were only three black ones voted in our precinct; they were afraid to go up and vote.

Question. How many at the other election?

Answer. I disremember now. They have run it over us certainly. They may be right, but they never shall change me any. And I know a heap would have voted on our side only they were afraid to go up and vote. I know four men that I am confident turned over, but they ran away from our precinct to do it; they went to Buchanan.

By the CHAIRMAN:

Question. How long after you had been whipped before you got over it so as to go about and attend to your business?

Answer. I had to walk pretty steady, of course. I was bruised up powerfully. I think it was two months before the black was all gone.

ATLANTA, GEORGIA, *October* 25, 1871.

WILLIAM WILLINGHAM sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now live, and what is your occupation?

Answer. I am going on nineteen years old; I will be nineteen the 22d day of next April; I was born in Randolph County, Alabama, I believe, and I now live in Haralson County; I am farming there.

Question. Are you a step-son of Mr. Martin, the last witness examined by this committee?

Answer. Yes, sir.

Question. He married your mother when she was a widow?

Answer. Yes, sir.

Question. How long have you lived with Mr. Martin?

Answer. I do not know exactly; between six and seven years, I guess.

Question. Were you at home the night that disguised men came there and whipped your step-father?

Answer. Yes, sir.

Question. Tell us all that you know about it; all that you saw, and all that you have heard.

Answer. One of my aunts lived there with us. When they were coming up she got up and waked me and the old man up. They came up and called to the old man, and he went out and opened the front door. They told him to come out, and I think he went out. They came on in the house, and after a while, in a few minutes, they took me out. They took the old man off from the house, and made me follow him. The way I saw them was this: They hunted about over the house for a man that we had hired there. They said they were hunting him, all about over the house, in the loft, and so on. That was all that they did there at the house, except that they cursed ma a little.

Question. What did they do away from the house?

Answer. They whipped us.

Question. Did you see them whip your step-father?

Answer. Yes, sir.

Question. Where were you?

Answer. I was standing right there.

Question. How many blows did they give him?

Answer. I cannot tell how many.

Question. How many would you suppose?

Answer. George Carter, a negro there, said he counted them, and that they hit him seventy-five licks. I do not know more than what he said. I should think they gave him between fifty and a hundred licks.

Question. They whipped you also?

Answer. Yes, sir.

Question. How many blows did they give you?

Answer. They gave me about thirty.

Question. Did they whip you over your clothes, or did they strip you?

Answer. They pulled up my shirt.

Question. They gave their blows on your bare back?

Answer. Yes, sir.

Question. With what?

Answer. With a hickory.

Question. Were you standing?

Answer. I was standing up.

Question. How was it with the old man, as you call him?

Answer. They made him lie down first, and they hit him I reckon fifteen or twenty licks with a stick while he was lying down, and then they took him and tied him, and drew him up to a tree and whipped him there; I could not tell how many licks.

Question. They whipped you standing up?

Answer. Yes, sir; they tied me and drew me up to a tree and whipped me standing up.

Question. Did they draw you up to the same tree that they tied the old man to?

Answer. Yes, sir.

Question. Did you know any of the men who whipped you?

Answer. Yes, sir.

Question. Who were they?

Answer. Jim Casey, David Lowry, Jack Thomas, and Jim Garner.

Question. How many of them whipped you?

Answer. There were three that hit me.

Question. With the same hickory, or with a different one from that they used on the old man?

Answer. They wore out that hickory, and had to get a new one.

Question. How many hickories did they use on you?

Answer. They hit me with four at a time.

Question. How many blows?

Answer. Three men struck me ten blows apiece.

Question. What was the size of the hickory?

Answer. It was more than a common hickory to whip a man with; it was nearly an ox-hickory. They whipped the old man with a larger hickory.

Question. Did they injure your person, break the skin?

Answer. They broke the skin a little on me in two places; but they bruised the old man powerfully. I do not think the hickory was keen enough to cut the skin; but his back was right black for two weeks.

Question. How was it with your back?

Answer. It was all in welts, except that my left arm was black and swelled up.

Question. How many were there in the crowd?

Answer. I should think there were twenty or thirty.

Question. Did they give any reason for whipping you?

Answer. No, sir.

Question. Did you know of any reason?

Answer. No, sir; only that I lived with the old man; and it was because he was a radical; that is what they whipped him for, and I thought that was what they whipped me for. They asked me what made me live with the old man, and I said because he had my mother. I am going to live with him as long as I live, and if they are going to kill me, they will have to kill me.

Question. Did they whip any of the rest of your family?

Answer. No, sir; none of the family; they had three negroes with them; they hit one of them, Joe Ray, five licks.

Question. Do you know whether they whipped those negroes any more?

Answer. I do not know that they did; but they said they did. Their backs were cut very bad; blood and water was running out of their backs two days after that.

Question. You saw that yourself?

Answer. Yes, sir; I saw that myself.

Question. How many women were there at your house?

Answer. Just my mother and aunt.

Question. Were there any children?

Answer. Her children.

Question. How many?

Answer. Three small ones.

Question. Did these people disturb the women and children?

Answer. Yes, sir; they disturbed the women.

Question. How?

Answer. By taking off the men folks and whipping them.

Question. They did not offer any violence to the women?

Answer. They did not do anything, only with mother; they hit mother with one gun.

Question. Where did they hit her?

Answer. Over the head; she told them she was going to follow me and Mr. Martin, and they cursed her, and hit her over the head, and said that if she did they would shoot her.

Question. How did they make you go along?

Answer. They just got around me, and said that if I did not go they would kill me.

Question. Were they all armed?

Answer. Yes, sir; with guns or pistols, one of them.

Question. Did they have their pistols drawn?

Answer. Every man had his arms ready cocked for firing.

By Mr. BAYARD:

Question. Have you been before the grand jury here?

Answer. Yes, sir.

Question. Have you made the same statement to them that you have made here?

Answer. Yes, sir.

Question. You say you are nineteen years old?

Answer. Yes, sir.

Question. You have not voted?

Answer. No, sir.

Question. Was any reason given to you at that time for whipping you?

Answer. No, sir.

Question. Was there anything said in your presence about whipping old man Martin?

Answer. They asked me what made me live with that old man, and I told them because he had my mother.

Question. He had married your mother?

Answer. Yes, sir.

Question. That was all that was said to you?

Answer. They said I must leave there; I said I would leave there whenever my mother did, and not before; they said if I did not they would kill me.

Question. Was any charge of any kind made against you?

Answer. No, sir; I have laid in my house but just two nights since then.
Question. You have stated all that occurred at that time in regard to what they said, and in regard to what was done?
Answer. Yes, sir.

By the CHAIRMAN:

Question. What was it you said about not lying in your house since then?
Answer. I said I have laid in my house but two nights since the 7th of May last.
Question. Where have you been?
Answer. I lay around watching for them.
Question. Where did you sleep?
Answer. In the bushes, when I did sleep; they said they would kill me, and I was afraid to stay in the house.
Question. Have they been going about in the neighborhood since they whipped you?
Answer. Yes, sir; they killed a negro since that.

By Mr. BAYARD:

Question. What negro?
Answer. John Walthall.

By the CHAIRMAN:

Question. Were the men that were there men that accounted themselves respectable men?
Answer. Yes, sir; I think they do.
Question. Did they claim to be men of standing?
Answer. Yes, sir.
Question. Did they live in fine houses?
Answer. They lived in common weather-boarded houses; there are no fine houses there; some of them live in log-houses.

ATLANTA, GEORGIA, *October*, 25, 1871.

GEORGE W. GENTRY sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, where do you now live, and what is your present occupation?
Answer. I will be thirty-five years old in April next, the 6th day of April. I was born in Fayette County, nine miles from this place, and at this time I live in Buchanan, Haralson County; I am a farmer.
Question. What opportunity have you had of becoming acquainted with the people or your county?
Answer. I have a very good opportunity, as far as that is concerned. I have been acting-sheriff there in that county. I have been bailiff there for several years, and I am acquainted with most of the people that live in that county.
Question. What is the voting population of your county?
Answer. They generally vote from between five to six hundred, I think; that is my recollection—hardly ever to exceed six hundred.
Question. What portion of the voters there are colored, and what portion are white?
Answer. A large majority are white; there are but few colored voters in the county.
Question. What proportion are republicans, and what democrats?
Answer. The true sentiment of the people in the county is republican.
Question. By what majority, do you think?
Answer. It has been from fifty to seventy-five majority up to the last election, when it went forty-eight democratic.
Question. What election was that?
Answer. The election for a representative.
Question. When was that?
Answer. On the 4th day of this month.

By Mr. VOORHEES:

Question. Was that a special election?
Answer. Yes, sir; it was a tie at the election before that.

By the CHAIRMAN:

Question. State if you know any facts occurring before the election, or at the time o the election, to account for such a result as you have stated; that is, that in a county that has from fifty to seventy-five republican majority, there should be a majority of forty-eight for the democratic ticket.
Answer. I only know this much, what I have heard others say; and I have the state-

Answer. It was ... knew the trick that was going on, and had ox-hickory. They ... republican party.
Question. Did th... trick to be?
Answer. They h... could answer positively what I did under- man powerfully.
his back was rig... were any acts of violence committed in that
Question. How ...ction?
Answer. It wa... of them who were whipped.
Question. Ho...
Answer. I sh...
Question. Di... ction?
Answer. No ...ction.
Question. D... olored?
Answer. N...
radical; that ... others?
me for. Th... any others who were whipped at that time; I know had my m... previous to that time.
to kill me, ...s do you suppose?
Question ...t many of them; there was something between twenty
Answer. ...s to that time, white and colored.
one of th... they said to have been whipped?
Questi... ...pped by disguised men; so they said. They told me that
Answe... ...f the parties.
very ba... ...rties they mentioned as being concerned in whipping them
Ques... ...s?
Ansi... ...of a republican being accused of being in such a crowd.
Que... ...disguised men you speak of in your county called Ku-Klux?
An...
Qu... ...know whether at the election any republicans were kept away
A... ...n fear?
Q... ...them told me they would not vote the republican ticket, because ... stay at home and not be molested by the Ku-Klux, as they called
Q...
... know whether they voted at all or not?
... not vote; and others told me that they voted the democratic ... that they might be allowed to stay at home and not be molested.
... there been anybody in your county arrested and brought to trial for ...olence?
... has never been a person's name presented before the grand jury for ...ll.
... you believe it would be possible, in the present state of things in your ... republican, white or black, to procure an administration of justice against ...?
... think not.
... What makes you think so?
Well, there are grand jurymen there who were knowing to the circumstance ... having been a colored man killed there, and they never made any inquiry at ...d to who it was did it. No inquest was ever held over the colored man ..., nor any coroner sent for at all.

By Mr. BAYARD:

... Who was killed?
... John Walthall. There were but two persons found guilty of any crime who ...d in the last civil court there, and they were both republicans. One of them ... charged with the same offense that another person was charged with, and in the ... bill of indictment. The republican was found guilty at the last court, and the ... before the man who was charged with the same offense, who was a democrat, ... clear. But one witness swore against them, and his evidence convicted one and ...d the other at two different terms of the court.

By the CHAIRMAN:

Question. Do you think there is any considerable number of men in your county who ... determined to prevent, by violence, intimidation, &c., the republicans from exer- ...ing their political rights?
Answer. There is a party there that wants to rule; that is, they want the majority ... for the democratic party, and that is what they are striving for; I am satisfied ... that fact.
Question. How many men are supposed to belong to this Ku-Klux organization ...?
Answer. Well, I could not tell you. It is not every democrat in that county that ... longs to it; there are democrats there as much opposed to it as any republican, but ... they are in the minority.

Question. Do those democrats who are opposed to it speak openly and above-board against it?

Answer. Sometimes they do.

Question. Do the Ku-Klux take any notice of what they say?

Answer. Well, I have never known a democrat ever abused by the Ku-Klux party in that county.

Question. Have you heard people who claim to be men of standing and character and influence in the county approve this Ku-Klux organization?

Answer. There is a gentleman by the name of Monroe there, who has about as much influence as any man in that county; he seems to speak in favor of it; he thinks they whip nobody but those they ought to whip. He said on the night that old man Martin was whipped, the night that this very negro was killed—he said the Ku-Klux said the night they whipped Mr. Martin, that they would have him killed if he staid on the top side of the ground. Monroe is a mighty clever man, a man I think a heap of, for he has been a good friend to the people of Haralson County.

Question. Who is he?

Answer. Duncan Monroe.

Question. Do you understand him as saying that it was right for those men to go about whipping whoever they would?

Answer. He said this: He said he did not think they had whipped anybody unless those that ought to be whipped.

Question. Is he a leading democrat in that county?

Answer. Yes, sir; he is a democrat and was nominated for representative, and was afterwards defeated on the democratic ticket; he is a very popular man.

By Mr. BAYARD:

Question. He was defeated?

Answer. He was first nominated, but afterwards they held another meeting and nominated Captain Heard.

Question. He was defeated in his own party?

Answer. Yes, sir.

Question. He was the man who expressed himself——

Answer. He said they had not whipped any but those they ought to whip.

Question. Did he make that statement to you?

Answer. Yes, sir; he made it to me. He is as good a friend as I have in Haralson County.

Question. You were sheriff there?

Answer. I have acted as sheriff.

Question. Were you elected?

Answer. I was appointed sheriff; I was elected bailiff.

Question. By whom were you appointed?

Answer. By the ordinary.

Question. With what political party have been your affiliations?

Answer. Until 1860 I voted the democratic ticket, and I claim to be a true democrat now. But I now generally vote with the republican party.

Question. You act with them in the elections?

Answer. So far as their candidates suit me I vote for them; where they do not, I drop them off.

Question. Have you been before the grand jury in this city?

Answer. Yes, sir.

Question. And given there the same testimony you have given here?

Answer. They never asked me as many questions there as you have here.

Question. You went there as a witness upon an indictment?

Answer. Yes, sir.

Question. And they asked you in regard to that particular case?

Answer. They asked me if I knew anything about who were Ku-Klux in Haralson County. I told them I knew of no man who was a Ku-Klux, but I had heard one man say he was a Ku-Klux and belonged to the organization; that was all I knew about them.

Question. Of your own personal knowledge, you do not know a single man who is a member of the Ku-Klux organization?

Answer. No, sir; only that one I have just spoken of; he said he was a Ku-Klux, and belonged to the order.

Question. Was there a gentleman before the grand jury to examine you, Judge Caldwell, or Mr. Pope, the district attorney?

Answer. Mr. Pope, I think, was the one who asked me the most questions.

Question. In the presence of the grand jury?

Answer. Yes, sir; I think so.

Question. And you gave your knowledge upon the subject?
Answer. Yes, sir; about the Ku-Klux.

By the CHAIRMAN:

Question. You say you never knew personally of any man belonging to the Ku-Klux?
Answer. Only one, and I have only his say-so for it.
Question. Who was he?
Answer. J. D. S. Foote. He said he was a Ku-Klux, and belonged to the order; I do not know whether it was so or not.
Question. Where does he live?
Answer. In Buchanan, where I do.
Question. How old a man is he?
Answer. He is forty years old, I reckon, probably upwards.
Question. What sort of a character does he bear?
Answer. Very bad; hardly any one believes what he says.
Question. What side of politics does he go on?
Answer. He is a democrat; but his own party do not believe him when he tells anything, unless they know it is so.
Question. Did he give you any facts or circumstances by which you could judge whether he was telling the truth or not?
Answer. None at all.
Question. Did he tell you of any time when he was out with the Ku-Klux?
Answer. I never heard that man charged with being out. There was a notice left at Buchanan that they were going to visit me; it was left at Mr. Williams's house. It was a notice that they would visit my house at a certain time, and it was signed "K. K. K." But if they ever came I never saw them.
Question. You have never been molested personally by them?
Answer. I never have.

By Mr. VOORHEES:

Question. Mr. Maynard has asked you about men who considered themselves respectable men, good citizens, &c. Did you ever see a man who admitted that he did not consider himself a good man?
Answer. I do not know that I ever did. I think generally the sorriest of them claim to be as good as any.
Question. The meaner they get the more airs they put on?
Answer. I think so. Captain Heard told me had seen men in disguise; I never have. He said he visited a friend's house one night, and a squad of twelve or fifteen came to the house that night; but he did not know any of the party at all.
Question. Who is this fellow you say nobody believes?
Answer. J. D. S. Foote.
Question. To hear him talk he is as good as anybody?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you not find some people who claim to be as good as anybody, and some others who claim to be a great deal better than a great many others; is not that about the difference?
Answer. The general language used by a man is, "I am as good as anybody;" that is what I hear men say.
Question. Are you not satisfied by some men's bearing and conduct that they consider themselves better than others?
Answer. What I consider a good man is a man looked upon as a man of truth and veracity, whose word would be depended upon and not be disputed, that what they promise can be relied upon. Now, Mr. Monroe is that kind of a man: what he would tell me I would believe, for I never knew anything to the contrary. He is a truthful man, and stands as fair as any man in Haralson County.
Question. He made those remarks about the Ku-Klux?
Answer. Yes, sir. He is a member of the Missionary Baptist Church.

By Mr. LANSING:

Question. He justified these whippings?
Answer. He said he did not think anybody was whipped only those who ought to be whipped.
Question. Did he give any reason why they ought to be whipped?
Answer. He did not to me.
Question. Is he a fair specimen of members of the different churches?
Answer. I believe he is of the members of the church there. They generally speak their sentiments as they please, without being molested at all by any other members.

By Mr. BAYARD:

Question. Either way, and on any side?
Answer. Yes, sir.

By Mr. VOORHEES:

Question. The gospel is free to all?
Answer. Yes, sir.

By Mr. LANSING:

Question. What kind of a Baptist is that man—Hard-shell?
Answer. Missionary Baptist.

By Mr. BAYARD:

Question. You say that people there can speak their political sentiments as they please?
Answer. I say their religious sentiments.

By Mr. LANSING:

Question. You do not mean their political sentiments?
Answer. No, sir. They do not speak their political sentiments as they please, without being molested; I do not consider that they do; they are very careful how they talk sometimes, at any rate.

By Mr. BAYARD:

Question. Who is the judge of the criminal court of your county?
Answer. R. D. Harvey, of Rome. I carried a letter to him just before he held court there, stating that he was threatened if he came there and undertook to enforce the laws against the Ku-Klux in Haralson County, that he would be shot upon his seat. I have learned since that there could be evidence to that effect; that two men were heard to say that if he undertook to enforce the law against the Ku-Klux there they would shoot him on his seat.
Question. Who wrote that letter?
Answer. The ordinary of the county.
Question. What is his name?
Answer. A. D. Woods.
Question. Did you take that letter to Judge Harvey?
Answer. I carried it there, but I could not find him at Rome.
Question. Did he go down there to hold court?
Answer. He went there, and I informed him, and he said, "I reckon there is more smoke than fire about it."
Question. Was he interfered with?
Answer. No, sir.

By Mr. SCOFIELD:

Question. Did he try any Ku-Klux?
Answer. There was not one tried.
Question. That was what they threatened him about?
Answer. Yes, sir.

By Mr. BAYARD:

Question. You say there has been no bill presented to the grand jury on this subject?
Answer. None at all.
Question. There was no complaint alleged that they could act upon?
Answer. No, sir.
Question. What is the name of the solicitor?
Answer. C. D. Forsyth is the regular solicitor, but he was not there at this term of the court on account of the condition of his family.
Question. Is Mr. Forsyth a prominent member of the republican party?
Answer. Yes, sir.
Question. Do you know the fact that he went to Washington and testified before the committee there?
Answer. I do not know it.
Question. He is the prosecuting officer for that county?
Answer. Yes, sir. I was not there at this term of the court.
Question. Who appointed Judge Harvey?
Answer. I think he was appointed by the senate and the governor.
Question. He was nominated by Governor Bullock, and confirmed by the senate?
Answer. Yes, sir.
Question. You say no bill has been sent before the grand jury at all in that county?
Answer. No, sir.

By Mr. LANSING:

Question. What do you think is the reason why no complaint has been made before the grand jury for these outrages?

Answer. I think they are afraid to do it. The parties say that they were informed when they were whipped that if they told about them they would be killed; that is the statement they make to me.

By the CHAIRMAN:

Question. Is it a part of the duty of your grand jury to make presentments of such cases as they have personal knowledge of, whether anybody goes before them to prosecute or not?

Answer. Yes, sir, that is the charge given to the grand jury.

Question. They are the grand inquest of the county?

Answer. That is the way the judge charges them.

ATLANTA, GEORGIA, *October* 25, 1871.

COLUMBUS JETER (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?

Answer. I am in my forty-first year; I was born in Greene County, Georgia, and I am now living in this city, but I have been living in Douglas County.

Question. How long did you live in Douglas County?

Answer. I went there last February was a year ago.

Question. When did you leave there?

Answer. I was shot on the fourth night in April, and I staid there the next day, and the day after that I left; I think I left on the 6th.

Question. By whom were you shot?

Answer. By Paul McWhorter.

Question. Tell us all about it.

Answer. I and my wife generally taught night-school at home until 9 o'clock at night. The neighbors would come into the school and I would give them lessons as far as I knew how. I did not charge them for it. On the night of the 4th of April, after school was over, I and my wife went to bed. She had laid down before me, and I had just laid my head on the pillow, when I heard a terrible howling around there. I thought it was dogs. They kept howling to such an extent that I said, "Wife, what does that mean?" She said, "I do not know, husband." I said, "It is the most curious howling of dogs I ever heard." I said to Mr Key, a man I had hired there, "Go to the door and see what is the matter." He went to the door and said, "Mr. Jeter, I do not see anybody." My gun was lying there on the bed, and I said, "Take the gun and put it up on the rack." Just then my dog broke out, and I heard them say "Shoot him; kill him." I knew then it was the Ku-Klux, and I broke right to the chimney in my drawers and shirt, and went right up the chimney. They hollered "Open the door." They broke the door open and in they came. My child in the bed, twelve years old, was jerked out of bed, and she knew the young man and called his name. He said, "Hush, Emily, I will not hurt you." They wanted to make them tell where I was, but they said I was not at home. I was up in the chimney. My wife hollered so that I was excited, and I looked out of the chimney. The moon was shining very bright, and they were all around the house. One hollered, "God damn him, here he is in the chimney. Fire up the chimney." I hollered to them not to fire, and I would come down. I thought that would be better than to allow them to kill my wife and children. The first man who took hold of me that I swear to was Mr. McWhorter. He had a piece of cloth on his face. They jerked me down on the floor. At that time Dr. McClarty, as I took him to be, struck me with a stick. They jerked me out of doors. Mr. McWhorter still held me by the hair of my head. While they were hunting for my gun and the ammunition I patted him on the leg as I was lying on the ground, and said, "Master, don't let them kill me." I kept getting up by degrees until I had my hands on his shoulders. At that time they hollered for another man, who said he would kill me, or run me off; Herbert Morris was the man, and he came up and said, "Look, Look." They tied an apron over my face, so that I could see nothing. Mr. McWhorter was still holding me. In the bright moon-light I could see through the apron, for it was made of some thin stuff; I could see through the cloth. I kept falling down as they carried me along, in order that they might get further from me, so that I could get a chance to run. They carried me to a tree. Mr. Morris wanted to sell me a horse and charge me 20 per cent. on the money. Mr. Farmer sold me one and charged me no percentage, and they were mad at me for that. Morris said, "Can I get Farmer?" I said, "He is at home." One

of them said, "Now, Columbus, do you think a colored man is as good as a white man?" I don't know what I said. He said, "This is for saying that a nigger is as good as a white man, and for drawing a stick on a white man." Mr. Morris tried to kill me once, and I drew a stick on him and said, that if he came up to me I would hit him. They carried me to a tree and made me hold my head down to the tree. I raised up my head and as I raised it, he said, "God damn you, if you raise again I will burst your head open." I said, "Lord save me," and jumped and run, and as I got eight or ten steps off they fired a gun and the load struck me. I have forty-four shot in my left shoulder now. They fired twice more, and they hollered, "Run around, and we will get him." The moon was shining very bright. I could see through the apron for about twenty yards behind me. I hollered and coughed so as to make them think nothing was the matter with me. They then considered and stopped, and I run on about twenty yards further and fell. I could see them on the hill, and hear the dogs bark when those men got home. My wife run out and followed them to see which way they carried me. When the gun fired she made there and went to Mr. Winn's house, and when he came along and went into the house she saw him.

Question. Was he with the crowd that took you out?

Answer. Yes, sir.

Question. Was he disguised?

Answer. Yes, sir; he had a piece of cloth over his face. I have the apron here that was tied over my face, and I have my shirt here to show where they shot me.

Question. How many men were there in that crowd?

Answer. I cannot tell. I counted twelve.

Question. You suppose there were more?

Answer. I am not able to tell. When they stopped in the road they seemed to keep gathering there.

Question. Were they riding or walking?

Answer. They were walking, so far as I knew. I saw none riding.

Question. Did you have your school that same night?

Answer. Yes, sir. Some young man saw the men passing close to Mr. Hewey's, but did not know who they were. Mr. Morris drove me off, and told me he intended to kill me before Christmas.

Question. What is the difficulty between you and him?

Answer. I am a Baptist. I went from here to his father's plantation with him. After we moved to the place I joined the church there, and said to him, "Mr. Morris, I want to go to the church once a month." He said, "That is all right, Columbus; may be when you go you may bring something to ride." I came to my church on a Saturday. He got down sick and I nursed him as I would a child. I could not love a white man better than him—like my own brother. He came out Monday morning and said, "Where were you yesterday?" I said, "I went to church." He said, "By God that don't suit me." I said "Mr. Morris didn't you agree to it?" He said, "I did agree to it, but I break it." I said, "Your father and brother agreed to it." He said, "No difference about that; we are all different men, and I break the agreement." He said, "Your wife, the damned bitch, is teaching a colored school." I said, "I work for her and maintain her; why should she not teach school? The laws of the country permit her to do it." He said, "The damned nigger." I said, "Don't curse any; we have fallen out; let us decide it." He drew his knife, and I said, "If you cut me with that knife I will hit you with this stick." At that time I looked back, and I saw a man coming, the bailiff of the county, and I laid the stick down. He came up and stepped between me and Mr. Morris. He said, "Columbus." I said, "Sir." He said, "Leave here." I said, "It don't concern you." He said, "I will take Mr. Morris's part." I said, "He drew a knife on me." He said, "No nigger shall draw a stick on a white man." I left, and went on about a mile. Morris followed me, and when I saw him coming I jumped over the fence. He came up and said, "What are you going to do?" I said, "I had best leave." He raised up in his stirrup and said, "God Almighty knows that I intend to kill you before Christmas if you were the last nigger in the world." I said, "I will pray for you." He said, "God damn you, I don't want you to pray for me." He then said, "Are you coming back?" I said, "No." He said, "By God you owe me some corn." I said, "I took care of your stock for seventy days, and will you allow me anything for that?" He said, "What is right." I said, "I put in ten acres of wheat and seven acres of oats; what do you allow me for it?" He said, "Nothing." I said, "All right." He said, "You owe Billy something." I said, "Yes." Then I said, "Now let us make friends." He said he would not. He went on to the house, and I asked him to come in, but he said, "No." He said, "This is all right." I said, "Except the wheat." I went to Mr. Hewey to work. He said, "Morris, what is it you have against Columbus?" He says, "Nothing, except that he is a preacher, and goes to meeting Sunday."

Question. They attacked you while you were at Hewey's?

Answer. Yes, sir. I had worked there for a week, perhaps. When they came into my house they said, "We have got the preacher now."

Question. Who said that?

Answer Mr. McWhorter and Mr. McClarty said it between them.

Question. Did you make any attempt to bring these parties to justice for this?

Answer. Yes, sir. I got my horse that night, the one I had bought from Brother Farmer. When I got to my house my daughter and little boy were in the loft, and my wife was gone. I went to the house of Mr. Hewey, and told her. Dr. McClarty's wife was there; she is a sister to Mrs. Hewey. I knocked at the door, and both of them jumped and said, "Lord, don't come here!" "I said, "Mistress, don't get scared. I am hurt, but nobody will hurt you." She said, "Columbus, don't come here." I said, "What shall I do; the blood is running off my back, and my wife and children are gone?" She said, "Go right through the woods to Mr. Norton's, and tell him that I say go for the doctor." I went there and hailed three times without his answering. The fourth time that I hollered he came to the door and said, "Who is that?" I said, "It is Columbus; I am shot, and Mrs. Hewey says that you must go for the doctor." I went for my doctor, but gave out before I got to the doctor. A colored man took me and laid me over on my belly, and then he went after the doctor, who came the next morning at nine o'clock. When he came he looked at my shoulder and picked out four of the shot. One man staid with me all night that night, and the next morning I went up to the justice of the peace. When I got there he asked me what was the matter, and I told him. He said, "Columbus, why don't you take them up with a warrant?" I said, "You must give me protection while the court is going on." He said, "I cannot." I said, "Can't you give me protection to get out of the country and help my wife and children out?" He said, "I can't." I said, "If you can't, it is no use for me to take them up, for it will do no good to do it, because, after the trial is over they will kill me." He said, "I can't do you any good; I will serve a warrant." I said, "Mr. Maxwell, I ask you to tell me the truth between you and me and God." He said, "What is it?" I said, "Can you give me justice here?" He said, "I can't, for if I do my house will be burnt up before four-and-twenty hours." I said, "What shall I do?" He said, "Go down and report to Judge Erskine." A young man who had followed me up to see what I was going to do, said, "Columbus, I want that money you owe me." I said, "I will pay it." I then said, "Mr. Maxwell, write out a certificate, and let him go and get the corn for it." It was written out, still he would not leave. At last Mr. Maxwell said, "Why don't you take out a warrant? I cannot do anything without a warrant." I said to him, "You say that you cannot protect me?" He said, "You can have them arrested and brought to trial." I then stepped to the well to get some water to pour on my shoulder, there was so much fever in it. This young man went up to Maxwell and said, "What is Columbus going to do? Is he going to take out a warrant?" Mr. Maxwell said, "He don't talk as though he is." The young man said, "He had better not do it." That is what Mr. Maxwell said to me, but he denies it before the court. Mr. Maxwell came to the well and said to me, "Just leave your child with some of your colored friends, and go right through the woods to Atlanta, from here." I said, "Mr. Maxwell, I will give you a dollar a mile to go with me." He said, "I would not go with you for a hundred dollars a mile." I said, "I will give you fifteen dollars to carry me ten miles—to carry me out of the country." He said he would not do it. I left my child there with a woman, and I walked up to Atlanta. They took my dog out the night they came for me, and I supposed they had killed him. Just as I started to come to Atlanta the dog came up to me, and come with me to Atlanta. I got here the next morning about sunrise and reported here. That is about all I know about it.

Question. Did you go to see the sheriff of the county?

Answer. I did not know the sheriff at that time. I have seen him here since.

Question. Did you ask the sheriff to arrest the parties?

Answer. I sent to Mr. Maxwell. I cannot read writing very well, but I can read print. He said in one of the papers that this was something he had nothing to do with, or something of that kind. John M. Hewey took the papers away. He is here in town this morning, so I am told; he sold cotton here this morning. I shall always believe that Mr. Hewey knew all about it. He told me Sunday, "Columbus, I have got to go down to DeKalb; mother's land is going to be sold." I got his mare and curried her off and fixed her up and said, "What must I do next week?" He said, "Just whatever you choose." He went off and took his children. I was shot on Tuesday night, and he returned on Wednesday. I came here and found that there was no land sold. I nquired of his own brother-in-law and he knew nothing about it.

Question. You think he was dealing hypocritically with you?

Answer. Yes, sir.

Question. Have any of these parties been arrested and brought to trial?

Answer. Yes, sir; four of them.

Question. Where?

Answer. At Noonan.

Question. Before whom?

Answer. Before Judge Wright. After the trial was over he said, "Ah, Jeter was

excited; he thought it was the Ku-Klux when it was only that he run up the chimney and hurt his shoulder." He said, "If you will bring the men before me I will give you justice." When they took the testimony there the men all said they had company and were at home. Mr. Freeman said that his child was sick, and he went down after the doctor, and just as he was stepping over the doctor's fence he heard a gun fired.

Question. What doctor?

Answer. Doctor McClarty. He was the one who was talking to my wife, and his false-face fell off, and she saw his face.

Question. The witness testified that Doctor McClarty was at home when the gun fired?

Answer. Yes, sir.

Question. All the men that you charged with this assault on you, proved that they were at home?

Answer. Yes, sir; and all of them had company that night.

Question. You say these men were disguised?

Answer. Yes, sir; they had on a wide piece of cloth, or false-face; some just tied around the top of the head. None had on a hair face except Doctor McClarty.

Question. Had you heard of the Ku-Klux in that county before?

Answer. Yes, sir.

Question. How long before?

Answer. They said they had been that year where I lived before I got there. This young man Morris was accused of being one.

Question .How many people do you suppose belong to the Ku-Klux there?

Answer. I cannot tell. They told me when I was down below that they thought there were about forty in the first raid.

Question. Have any other persons been molested by them besides yourself, to your knowledge?

Answer. Not that I know of. There was a colored man in my neighborhood that they took off in the day-time and we have never heard of him; they took him off publicly. I spoke to Mr. Watson about it, and asked him what had become of Bob Norton.

Question. What did they have against him?

Answer. I think he was living with the man who raised him, and he and his daughter got into contact in some way or other.

Question. Did they have any other complaint to make against you, except what you have stated?

Answer. If there is anything I do not know it.

Question. Where do you live now?

Answer. I work in the city here now; I am working at the Kimball House.

By Mr. VOORHEES:

Question. How long since you left there?

Answer. I was shot on the 4th night of April, and I got here on the 7th of April.

By the CHAIRMAN:

Question. How long was it before you got well?

Answer. I am not well yet; I cannot do much with my left arm. You can feel the shot through my shirt. I cannot do much work and I have not a cent. I left all my corn in the sheriff's hands. I never saw my child for three weeks. My wife had to take a wagon and go for the things herself; I could get no protection to come away. If this gentleman here in the court-house, Mr. Chamberlain, had not given me a little money, I don't know how I would have lived. I had to send two of my children away.

Question. What doctor has been attending to you?

Answer. Dr. Pierrepont first attended me, but I had no money to pay him with, and I went to another doctor. A doctor down there took out four of the shot and I paid him in corn. He allowed me a dollar a bushel for corn, and I paid him five bushels of corn.

Question. Do you object to showing us where you were shot?

Answer. No, sir. (The witness then bared his left shoulder, and showed where he had been shot.)

Question. Can you feel the shot there now?

Answer. Yes, sir; I cannot lie on this side at all.

By Mr. BAYARD:

Question. Who is the sheriff of that county who you say is up here?

Answer. I do not know whether he is the high sheriff or not. I cannot think of his name just now. Mr. Maxwell is the justice of the peace.

Question. I want to know who is the sheriff.

Answer. He was the sheriff of Douglas County. I cannot think of his name just now, but he is a mighty good man and wanted to see justice done me. Yes, I remember his name; his name is James Clinton.

Question. This injury was inflicted on you on the night of the 4th of April, and you left there almost at once and came up here?

Answer. Yes, sir. The sheriff moved Brother Farmer here himself; it was said they were going to kill him. If I had gone to him, he would have assisted me.

Question. If you had known who this man was, do you believe he would have assisted you to get justice, and protected you?

Answer. Well, from the way he has acted since, I believe he would. The colored people all say he is a just man.

Question. Does he belong to the opposite party from the colored people?

Answer. I think he is a republican. I do not know whether he is in a democratic office or not.

Question. Does he vote with the black people?

Answer. I think he does.

Question. They have confidence in him?

Answer. Yes, sir. He came here to me, and said that he would assist me. I gave him all my corn, and said, "Mr. Clinton, you take it and see me justified."

Question. Has he done justice to you in that?

Answer. He has not written to me since.

Question. When was that done?

Answer. In April last.

Question. He has not accounted to you for that corn?

Answer. No, sir.

Question. Who is Judge Wright?

Answer. Judge Wright is judge of the supreme court, I think.

Question. Did the grand jury find bills against these men?

Answer. No, sir.

Question. How was the case tried?

Answer. I do not know much about law.

Question. Was there a jury in the case?

Answer. No, sir. A man spoke to Judge Wright alone—Colonel Farrow—and told him he was an attorney for the State in some way.

Question. He was the solicitor?

Answer. Yes, sir; that was the man.

Question. Where does he live?

Answer. His office is in the State-house; I believe he is attorney general.

Question. He was present when this trial took place?

Answer. Yes, sir. Mr. Douglas was the lawyer on my side, but he did not say anything; he just sat there and figured.

Question. Did they examine you as a witness?

Answer. Yes, sir; they examined me and my wife. But the young man that we hired, they would not let him come. Young Winn told him that if he would stay away he would pay him fifty cents a day, and the boys who did it would pay him fifty dollars.

Question. He was paid to stay away?

Answer. They said they would pay him; I do not know whether he got the money.

Question. They promised him the money?

Answer. Yes, sir. I do not blame him, for they were scared. This young man told me that he got on the road expecting the Yankees would come, as we call them, and he would see them, but that he did not see them. As soon as he got the money from the young men he came here.

Question. He took a bribe?

Answer. He was living with the young men.

Question. He was paid his wages?

Answer. Yes, sir. I thought Judge Wright would subœpna that young man, but he did not, for he said it was the Government's business to do it.

Question. Colonel Farrow knew your witness; he was present at the trial and saw the whole of it?

Answer. Yes, sir.

Question. Do you know how Colonel Farrow obtained his office?

Answer. I do not. I know I was sent down with him by the governor. Governor Bullock said that Colonel Farrow would go as my protector.

Question. You say that Governor Bullock stated your wrongs to him?

Answer. Yes, sir. He received a letter from Judge Wright the day before, and the next day I was to go; but I did not get here quite in time, and on Monday morning Colonel Farrow and I went down there.

Question. You had interviews with Governor Bullock, and he put you in charge of

Mr. Farrow, the attorney general of the State, and sent him down with you to see that justice was done to you?

Answer. Yes, sir.

Question. Colonel Farrow knows whether justice was done or not; he is here?

Answer. Yes, sir; he is here.

Question. Were you before the grand jury here at all?

Answer. No, sir. Several officers told me to attend court, and I came here, but they never called me before any grand jury at all.

Question. That was the only trial of your case—the one before Judge Wright?

Answer. Yes, sir. I went to Judge Pope and told him all the circumstances of the case, and asked him if it could not be prosecuted. He said he could not do it. I then went over to a lawyer right across here, and he examined the law, and said they could examine it three times; but Judge Pope says they could not do it. I then just let it all go.

By the CHAIRMAN:

Question. Do you know those men they brought in to swear that they had company that night?

Answer. Do I know them all?

Question. Yes.

Answer. Yes, sir. All were neighbors.

Question. Were they republicans or democrats?

Answer. They were generally democrats, all but Doctor McClarty; he is said to be a republican; but I think all the others are democrats.

By Mr. VOORHEES:

Question. The doctor was the man who swore, and proved that the rest were at home?

Answer. Another man testified that the doctor was at home. Mr. Freeman said that he went for the doctor, and just as he stepped over the doctor's fence he heard the gun fired.

Question. You knew that was not true?

Answer. Yes, sir; and God knows it was not true. He has come to me since this case was over here and talked with me. He said, "Columbus, I was troubled about this case, and could not help coming to see you." I said, "For what?" He said, "Because you said I was there, and I was not there." I said, "I know you were there, and my wife knew you."

Question. Why did he go with that crowd?

Answer. For the reason that all the others did. One of them asked me if a colored man was as good as a white man. I said, "Do you want the truth?" He said, "Yes." I said, "Go to the Scripture; there is no difference. I do not believe there is any difference between white and colored, if they are honest." And then I was teaching the colored people there. Just before they carried me out, they said, "God damn you, do you think a negro is as good as a white man?" I do not know what I said then.

By the CHAIRMAN:

Question. You say the wife of Doctor McClarty is a sister to Mrs. Hewey?

Answer. Yes, sir.

Question. They would not allow you to go into the house?

Answer. Yes, sir. I said to them, "I have got your apron." She said, "Lord! he has got the apron."

Question. Have you that apron here?

Answer. Yes, sir; here it is. I can show you how they put it to me. [The witness then put the apron on over his face and tied it.]

Question. Have you any idea whose apron that was?

Answer. I had an idea, but it may not be true.

Question. Whose do you think it was?

Answer. I thought it was Herbert Morris's mother's apron.

Question. Have you the shirt which you had on when shot?

Answer. Yes, sir; here it is. [The witness showed the shirt with shot-holes in the left shoulder.]

ATLANTA, GEORGIA, *October* 25, 1871.

AURY JETER (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?

Answer. I am about thirty-five years old; I was born in Lincoln County, Georgia;

and have been living in Atlanta since the emancipation, except for a time, when I was in the country on a farm.

Question. Were you born a slave?

Answer. Yes, sir.

Question. Are you the wife of Columbus Jeter?

Answer. Yes, sir.

Question. Were you present at the time last April that he was shot?

Answer. I was not present when he was shot. They carried him into the woods, and would not suffer me to go. I was at home when they came into the house.

Question. Go on and tell us all that was done by them.

Answer. You want to know the circumstances generally?

Question. Yes.

Answer. It was between 11 and 12 o'clock on the 4th night of April. We were about to go to bed; Mr. Jeter had laid down; we heard an awful noise in the road, and the dog began to bark, and there was a pistol fired. Then a man jumped at the door, and cried out, "Open the door, God damn you; I will kill you if you don't open the door." He kept repeating it, but we were frightened half to death, and did not open the door. They took an ax and burst the door open, and came in. My husband went up the chimney. I was standing in the middle of the floor. We had a man living there that we had hired, and they asked, "Where is that God-damn preacher?" The young man said he did not know where he was. They beat me over the head, and took me by the hair of the head, and kept asking where he was. I said I did not know where he was. Directly Doctor McClarty came and caught hold of my shoulder, and told them to fire the house. I screamed and begged them not to kill me. Directly one caught me on each shoulder, and another put his pistol at my breast, and they cried out, "God damn her, shoot her." I said, "Don't shoot; I will tell you where he is. He is up the chimney." They went there, and fired up the chimney. They kept on pulling me around and around, and Doctor McClarty came and caught me by the shoulder. He had a hickory withe about as long as my arm. As he drew back to hit me, I said, "O, doctor," for I thought he would kill me, as I was only in my night-clothes. When I said, "O, doctor," he let me go and went out of the house. They gathered hold of Columbus, who had come down the chimney, as if they were going to kill him. They dragged him out by the hair of the head. They carried me out, and started to whip me. They exposed me.

Question. How?

Answer. They turned my clothes up to my waist. One of them went up and said that I had told the truth and should be let alone; he said it was ridiculous to treat me in that way. My little girl was in the bed; they jerked her out by the nape of the neck. The man who took me from these men came up, and that was the way I first found out he was along. His name was Billy McWhorter, and he said to my little girl, "Emily, you shall not be hurt." It seemed that he knew her name. They would hit me a lick sometimes, but did not seem to want to bruise me up. But they pulled on my hair till the top of my head was sore for over two months. They blindfolded Mr. Jeter with an apron, and I ran out and begged them to let my husband alone. One of them turned and shoved me back into the house. I went into the house, and when they left the door I went out again. They pushed me in again, and stood at the door one of them with a pistol. I saw where they were carrying my husband.

Question. When did you see your husband again?

Answer. Next morning about half past eight o'clock.

Question. Where?

Answer. About two miles from where he was hurt. He was bleeding when I got to him, with the same shirt on, all bloody and smutty, where he had been up the chimney.

Question. Had you or he been teaching school?

Answer. I was teaching a day-school, and he had a night-school for those who could not come in the day-time, for the old settled men in the country.

Question. How much education have you and he?

Answer. I have studied geography, arithmetic, and grammar, and reading and spelling.

Question. Where did you obtain your education?

Answer. In slave times we had a colored man who knew how to spell a little, and unbeknown to the others I learned my letters. I went to school in Knoxville, Tennessee, and awhile in Memphis, Tennessee; and two months here since I was free.

Question. To whom did you go to school in Knoxville?

Answer. To a man who taught in the Presbyterian school up above Cumberland street. There were eight northern teachers there; it was in 1865, after the fall of Richmond, when President Lincoln was killed.

Question. Was it Mr. Cresswell?

Answer. Yes, sir; that was the name.

Question. How long were you in Knoxville?

Answer. About four months.

Question. How much education had your husband?

Answer. He can just read and can spell pretty well. I taught him what little he knows.

Question. Can you write?

Answer. I can write some, not much; the hardest thing I have tried to learn has been writing. I can make the letters very well, but I cannot write a letter very well, for it takes me so long.

Question. Do you know to whom the apron belonged that was tied over your husband's face?

Answer. Yes, sir; I knew it.

Question. Whose was it?

Answer. It was Mr. Morris's mother's apron. She lives right in sight of where I lived, and I cooked for her son five months last year, and she came and helped me cook for him several times, with that very apron on.

Question. What is his name?

Answer. Herbert.

Question. Had you any children except this little girl?

Answer. We had a step son and daughter of his. I have no children of my own.

Question. How many of these people did you know?

Answer. I knew four of them.

Question. Who were they?

Answer. Mr. Winn, Mr. McWhorter, Mr. Morris, and Doctor McClarty.

Question. Which Morris was that?

Answer. Herbert Morris.

Question. Do you know any reason why they should treat you and your husband in that way?

Answer. The greatest objection I knew that he had to us was because we would attend church. We would attend church once a month, twelve miles from where we lived.

Question. Did he make any complaint about your teaching school?

Answer. Yes, sir, a great deal of complaint, and called me names about teaching; but I did not pay attention to that.

Question. You taught only those of your own color?

Answer. That is all—not exactly my color, but those a great deal darker than I am; those of my race, though.

Question. When you speak of your color you mean the negro race?

Answer. Yes, sir.

Question. Was your mother a colored woman?

Answer. She was half white, and my father and my grandfather were white men; I am three-quarters white.

Question. You are what is called a quadroon?

Answer. Yes, sir; I am not so light-colored as I have been. I worked out last year a great deal, and I am somewhat sunburnt.

ATLANTA, GEORGIA, *October* 25, 1871.

JAMES NANCE sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, where do you now live, and what is your occupation?

Answer. I am forty-three years old; I was born in South Carolina, and I now live in Whitfield County, Georgia; I am a farmer.

Question. How far do you live from Dalton, Georgia?

Answer. I live eleven miles below Dalton.

Question. Have you ever seen any of those people that are commonly called Ku-Klux?

Answer. I have seen men in disguise. I do not know whether they were Ku-Klux or what they were.

Question. Where did you see them?

Answer. I saw them in my own house and yard.

Question. When?

Answer. It was on the night of the 30th of September of this year.

Question. How many were there?

Answer. Well, there were eight in the house and yard, and one at the gate; I do not know that the one at the gate was disguised; I did not see him; I only heard him call to the others.

Question. How were they disguised?

Answer. They had some kind of cap over their heads, and a veil that came down part of the way, and a dress or a gown that came down to the feet of most of them.

Question. Were they riding or walking?

Answer. They came there on horseback.

Question. Were their horses disguised?

Answer. Yes, sir.

Question. How were they disguised?

Answer. Some of them were covered with some kind of white cloth; they were not all disguised; the men had a cross on the waistbands of their pants; it looked black, and like it was made of morocco leather.

Question. Were they armed?

Answer. Yes, sir; they all had pistols in their hands, with their thumbs upon the hammer, and fingers upon the trigger, with the muzzle pointing rather downward; that was the position they stood in after they got reconciled.

Question. When did they come to your house?

Answer. I reckon it was between eleven and twelve o'clock.

Question. Tell us what they said and did.

Answer. They did not say a great deal; after they saw I would not come out of the house, one man said that he wished to see me and talk with me; I told him I would talk with him in the house; he said that my former acts had been bad; that I had caused trouble there, and that I would have to promise them that I would attend to my own business, and not cause any more trouble; that I would not meddle with the business of anybody else.

Question. Did they say anything about your leaving?

Answer. No, sir.

Question. Of what conduct of yours did they particularly complain; or was it of your general conduct?

Answer. I suppose they had reference to the body of the negro that was found in the river there; there was a body of a negro found there in the sediment of the river; I had seen the negro chained in one of these men's out-houses, that he used in the woods where he was getting out timber for the railroad; he had the negro chained by the ankle; I saw him there on the 20th day of August of this year, with the chain locked around his ankle, and around the log next to the sill of the house. I was taken before the coroner's jury, and was qualified, as I was here a few moments ago, and they asked me questions, and I told them what I had seen; and I told of other men who had seen the same thing; they found the man guilty of murdering the negro.

Question. That is, the coroner's jury found that the negro had been murdered by that man?

Answer. Yes, sir.

Question. You saw this negro chained in his out-house?

Answer. I saw him chained in an out-house that Posey Sebastian used for the hands to stay in that he employed to cut timber for the railroad; the house was in the woods. I can give you, if you desire them, some of the statements that the negro made to me.

Question. Go on and give them.

Answer. I asked the negro how long he had been there. I was a little excited about the thing; I did not like it at all. He told me that that made three Sundays that he had been there; that they had kept him chained there in the house. He said they kept him chained there at night, and in the day-time he was carried into the woods and made to work at a task; that when he did not do his task, they would whip him. I asked him to show me the marks where he had been whipped, and he pulled off his coat. He did not have on any shirt of any account, only some little strings. He was all cut and smashed with hickories; his back was all bruised and so were his arms. I went on to a neighbor's house, and asked some of them to go with me with the intention of liberating the negro; but the men told me that they would not go into it, for they were afraid of the Sebastians; that it ought to be done, but they were afraid they would get into trouble if they did it. That was on Sunday evening. On the Tuesday following, one of those men sent after this Sebastian, and told him what had been seen, and who had seen it, and, I suppose, he told him the proposition I had made; that is what he told me. Sebastian went back and took up the negro, and asked him who had been there on Sunday. The negro did not know me or my son either, but he told the name of another man who had been there; he said three men had been there, and told him that he should be liberated. That made Sebastian raving at me; and the testimony that I gave before the coroner's jury made him more so.

Question. How long after you saw that man chained there was his body found in the river?

Answer. I saw him chained there on Sunday, the 20th day of August, and on the Sunday following he was found in the river with a railroad clamp around his neck; at *least so it* was said; I did not go to see him.

Question. Do you know whether the body appeared as if it had been in the water any length of time?

Answer. I had some friends on the jury, and they told me some things I suppose they would not have told other men. It was proved before the jury, so some of the jury told me, that he was put in there on Tuesday, late in the evening, after the Sunday I saw him; he had been in there some four or five days.

Question. It would appear, then, that they had thrown him into the river pretty soon after they got this information of your having seen him chained there?

Answer. They got the information on Tuesday, and Tuesday night, or at least Wednesday morning, the negro was missing. I had a little place above there, and I had to pass by there to go to my place. I would go around with my wagon, but would let my little boys go through there to see if the negro was there; and on Wednesday morning he was gone.

Question. When they came to your house, did they say anything to you about your having been a witness in that case?

Answer. No, sir; but I thought that was what they had reference to; that was the only charge they ever had against me that I know of. I had been living there eighteen or nineteen years, and never had any difficulty with any man before that time.

Question. What was it they said about your conduct?

Answer. They said my conduct had been very bad; that I had caused trouble, and must promise that I would just attend to my own business, and not interfere hereafter with other people's business.

Question. Without telling you what you had done that they objected to?

Answer. Yes, sir.

Question. Did you know any of them?

Answer. I knew two of them very well.

Question. Who were they?

Answer. This same Sebastian and his brother.

Question. Have any persons been arrested for killing that negro?

Answer. No, sir; but this man Posey Sebastian has not made himself public in the settlement all the time; he would come in once a week or so, and stay a day and night, and that was all that the people would see of him.

Question. He was one of the men supposed to have killed the negro?

Answer. Yes, sir.

Question. Did the coroner order his arrest?

Answer. I think he did: at least the bailiff told me that if I would let him know any time that Sebastian was in the settlement he would arrest him.

Question. He has not been arrested?

Answer. He has not been arrested, or had not been when I left there.

Question. Did those disguised people visit anybody else?

Answer. Yes, sir; they went from my house to Resaca, a little town on the railroad.

Question. What did they do there?

Answer. They went in and bought whisky, and reared around over the town there, and shot off their pistols several times. Four of them went to the house of a Mr. Hancock; he said he knew one of them; he saw him through the window.

Question. Were there a number of witnesses before the grand jury against this man?

Answer. Yes, sir.

Question, Were any of the others visited as well as yourself?

Answer. No, sir; I do not think any of the other witnesses before the grand jury were visited by them.

Question. How far was this house where the negro was found from Dalton?

Answer. Eleven miles.

Question. How far was it from Resaca?

Answer. It was four miles.

Question. Is Resaca a railroad station between Dalton and Chattanooga?

Answer. No, sir; it is a station this side of Dalton, the first station above Calhoun. Resaca is in Gordon County, and the negro was whipped in Whitfield County; his body was found in the river just below the Gordon line.

Question. Do you know anything about this man Sebastian having any connection with the Ku-Klux order?

Answer. I do not know that there is any organization of that kind though there have been some depredations committed there by disguised men; I do not know what kind of organization they have.

Question. Did you hear Sebastian or his brother say anything about the Ku-Klux at the trial before the coroner?

Answer. I did not myself.

Question. Did you have any reliable information about that?

Answer. I had information of what he said.

Question. What was it?

Answer. I was told that he said all the Ku-Klux were not hung, and he did not think any of them would be hung.

Question. Did he give it out or let it be understood that he was one of them?

Answer. I do not know that he said he was.

Question. He said that they were not all hung, and he did not think any of them would be hung?

Answer. Yes, sir.

Question. Do you know what reason they had for treating that negro in that way?

Answer. I have heard both their tales—the negro's tale and Sebastian's tale.

Question. What was that?

Answer. Sebastian said that the boys thought the negro tried to steal some meat. When I understood from some of my neighbors there that Sebastian was treating the negro in that way, I went to him, and told him that he had better stop it or it would make trouble there. We were friendly then, and I went to him about it. He had several hands hired, and he said that some of the boys thought that the negro had been trying to steal some meat. Some of the other hands that he had there told me that the negro did not try to steal any meat, but that he wanted to go home, and Sebastian wanted him to stay there and work. The negro himself told me that he did not feel satisfied there, and wanted to go home. He said that he started to go home, and they run him down and caught him, and took him back and whipped him tremendously. It was proved before the coroner's jury that two respectable white men saw him whipped; they swore so before the jury, or at least they told me they did.

Question. Who was the negro?

Answer. His name was Matt Moore—so he said when I asked him his name that Sunday.

Question. Did you know him before?

Answer. I never saw him before in my life.

Question. How old was he?

Answer. He looked like he was about twenty-four years old. I wanted to know who he was and where he came from. I did not think it was right that he should be treated in that way. I think he told me that Mr. Fields raised him, a man who had owned a great many slaves.

Question. You made it your business to see that he had what you thought was justice and fair play?

Answer. Yes, sir; I thought it was my business to do it; I might have been wrong.

By Mr. BAYARD:

Question. What kind of people are these Sebastians, and how many of them are there?

Answer. Well, you may think I am mad with the Sebastians, and might not do them justice. There is a man here, a Mr. Harris, who will come before you next, I suppose, and I will let him state to you what kind of men the Sebastians are. I can tell you how many there are; there are William, Posey, Henry, and Columbus Sebastian, all large, stout, young men.

Question. Do they all live together?

Answer. No, sir; William is married.

Question. Who had the negro in chains?

Answer. Posey Sebastian.

Question. Does he live by himself?

Answer. He made his home at his father's.

Question. You have said, "They whipped him." I want the innocent excluded from the guilty.

Answer. I will explain that to you. Posey Sebastian and a negro that Sebastian had raised, and another that he hired, all whipped him; they acknowledged that themselves. This negro man Matt told me that those three whipped him, and that another man, by the name of Marion Leadbetter, also whipped him; but the man who testified before the coroner's jury only testified to three who whipped him.

Question. I have asked you about the character of those men for this reason: the object of this committee is to discover what violations of law there are in Georgia that render people unsafe in person or in property. In order to do that we ought to know who are the innocent and who are the guilty. Therefore, when a man does an act like that, I want to know whether there is anything like a public sentiment that sustains him in it, or whether he is a single bad individual in the midst of a kindly disposed and decent community. Do you understand?

Answer. Yes, sir.

Question. Therefore I want to know whether a man who would do such an act as that bears a good character in the community where he lives?

Answer. Well, this happened on Saturday night; on Monday morning I got a horse and rode around to all the citizens to see what course should be pursued, or whether

we should do anything with him or let him pass. Every one of the good citizens around there, all the neighbors, told me to put it through, and if I did not have money and it cost money, that I could have it.

Question. The general sentiment of that community was in condemnation of this cruelty?

Answer. Yes, sir.

Question. When you went to your neighbors, did you see any man that did not look with abhorrence upon that crime?

Answer. I did not, but yet they were afraid.

Question. Was this Sebastian a violent man?

Answer. I think so; he had killed one negro before that, but it was at home and nothing was done about it.

Question. Was he a desperate and violent man?

Answer. I think so.

Question. Was it because of that that they did not like to come in contact with him?

Answer. I do not understand you exactly.

Question. I understood you to say that Sebastian was a desperate and violent character?

Answer. Yes, sir.

Question. Was the objection of the neighbors, who disapproved of this act, to help do anything about it, because they were afraid of this man?

Answer. Yes, sir; they said it ought to be done, but they did not want to get into trouble.

Question. Was that the general sentiment of your community with regard to that act?

Answer. Yes, sir; it was.

Question. Do you know any decent man in your community, without regard to his political opinion, who approved of that act?

Answer. I do not. I know this, that this man Sebastian went off and was gone about a month. When he first came back and made his appearance there he came to church, where all of his associates and acquaintances were. There was not a man there, young or old, who would speak to him or who would sit with him,but his brothers; not a man except one who this man Sebastian had been in business with last year.

Question. That was the sentiment with regard to him?

Answer. Yes, sir.

Question. You say that the coroner's jury found that the negro had been murdered by Sebastian?

Answer. Yes, sir; that was the verdict.

Question. When was that verdict found?

Answer. I do not know when they made their decision about it. I saw the negro chained in the house on Sunday, the 20th of August, and the next Sunday he was found in the river. On Monday morning I was called as a witness before the coroner's jury, but I do not know whether they found a verdict that day or not. The case stood open and they examined witnesses for a week or two.

Question. It was some time in September that the coroner's jury found their verdict of guilty?

Answer. Yes, sir.

Question. Has there been a grand jury in session in your district since that verdict was found?

Answer. Yes, sir; there was a grand jury in Gordon County.

Question. When?

Answer. I think the first week in October.

Question. Have they found an indictment against this man Sebastian?

Answer. I think they have; the bailiff told me to let him know when Sebastian was in the settlement, and that he had a warrant against him.

Question. He was indicted for the murder of the negro?

Answer. Yes, sir.

Question. You say that at first he went off and hid himself?

Answer. Yes, sir.

Question. Has any attempt been made to find him?

Answer. I do not think any search has been made for him.

Question. Was he evading the process of the law?

Answer. I saw the bailiff the night I came down here, and he told me that he was just waiting to find out where he was.

Question. And when he found him he was going to arrest him?

Answer. He said he was.

Question. If he is arrested and brought before a jury of that county will he be convicted, do you think?

Answer. I only know the sentiment of my own county. I live in Whitefield County,

and this case will be tried in Gordon County. I know that in Whitefield County every man is against him, and for giving him justice.

Question. You believe that in a case of this kind, if the evidence comes out which you have heard, that man will be convicted by a jury of that county and punished?

Answer. I do. I believe that Judge Parrott is a man who will have things done up just right; he is one of the best judges ever upon that circuit.

Question. Does Judge Parrott also hold court in Barlow County?

Answer. I think he does.

Question. Do you know the fact that he presided there at a trial where three disguised men were convicted of the murder of a negro, and were sentenced to the penitentiary for life?

Answer. I only know from hearsay; I have heard so.

Question. He is the same judge to which you refer?

Answer. Yes, sir. A gentleman came down with me last Monday morning a week ago, and told me that circumstance. I know that Judge Parrott is on that circuit.

By the CHAIRMAN:

Question. You say that Posey Sebastian came to your house with those disguised men?

Answer. I say so; he did.

Question. Did all four of the Sebastians come there?

Answer. I cannot swear to but two of them; I can swear to two of the men in the crowd.

Question. Who were there besides the Sebastians?

Answer. There was a strange man who did the talking; I saw his face plain, but I did not know him.

Question. Do you know where he lives?

Answer. I do not know the man.

Question. Did he say where he was from?

Answer. No, sir.

Question. You have been asked something about the political opinions of parties; to what political party did these Sebastians belong?

Answer. Well, they claim to be democrats, but I do not know that they are firm.

Question. You say this Posey Sebastian had killed a black man before this on his own place?

Answer. He did it at his father's house, but nothing was said about it. It was said that it was accidental, but it was not the general opinion of the neighbors that it was; I do not know but it might have been accidental.

Question. You think this man will be punished if brought to trial?

Answer. Yes, sir.

Question. Do you think he will be hanged?

Answer. I do not know whether he would be hanged or not.

Question. Have you ever known of a white man being hanged for killing a negro under any circumstances?

Answer. I never have.

By Mr. BAYARD:

Question. Would you be afraid that he would be pardoned if convicted?

Answer. I do not believe he would be pardoned if the circumstances could be made known.

Question. What would be the reason that he would not be hanged; what would be the punishment inflicted upon him?

Answer. I think they would work it around some way, probably, so as to put him into the penitentiary.

Question. Put him in the penitentiary for life?

Answer. Maybe so. I know very little about these matters; I do not know anything about law; I am perfectly green—just a corn-field fellow.

Question. You have said these men were democrats, but you did not believe they were firm. With what political party do you go?

Answer. I have always been a democrat.

Question. Do you believe that in the community where you reside, under the administration of justice by Judge Parrott, there is security for person and for property, a reasonable degree of security before the law?

Answer. I believe if these men could be got hold of and brought before Judge Parrott, he would execute the law on them; but I do not believe this man will be arrested by any common officer, sheriff, bailiff, or anything of the kind.

Question. Do you mean he will escape from them or evade them?

Answer. He will dodge about and keep out of the way.

Question. Do you mean to say such men would be able to resist, by force, the law of the State?

Answer. I do not reckon they would be able to resist the law by force, but they could dodge about, you know.

Question. They would evade the process of the court?

Answer. Yes, sir.

Question. That would be what you would fear?

Answer. Yes, sir.

Question. Who is the solicitor of your county?

Answer. Mr. Broyles is the solicitor general.

Question. Is it his duty to prosecute these criminals?

Answer. Yes, sir. He sent me a subpœna to attend court, and that is the reason I want to get from here.

Question. To testify against those men?

Answer. Yes, sir; that is the reason he tells on the back of the subpœna.

Question. Is he a vigilant officer, to see that criminals are prosecuted?

Answer. I think so; I think he is a firm man.

By the CHAIRMAN:

Question. You say that, after the coroner's jury found a verdict against this man, he went away, and was gone out of the settlement for a while?

Answer. Yes, sir.

Question. And that he then came back and went to church on a Sunday?

Answer. Yes, sir.

Question. How many men were there at church at that time?

Answer. Well, there was a right smart congregation; I suppose there were a hundred or a hundred and fifty people there.

Question. Did you hear of his going around to other public gatherings in the county?

Answer. No, sir.

Question. Did you see him in the neighborhood?

Answer. I only saw him at meeting that time. He came to meeting on Sunday and Sunday night. That is the last I saw of him until Saturday night, when he came to my house with these disguised men. The next morning I heard he was at a near neighbor's, and I went to see him, for I felt that I would like to talk with him a little. I told him what he had been guilty of, what he had done; I told him a great many things.

Question. Why did you not arrest him?

Answer. My will was good, but I did not know I had any right to do it.

By Mr. SCOFIELD:

Question. Do you believe he will be punished?

Answer. I do not; I think he will stay out of the way.

Question. Do you think he will manage to get off in some way?

Answer. Well, he was courting a girl there, and since I have been in town my folks have sent me word that the girl is gone. I think he has taken her and gone off with her.

By the CHAIRMAN:

Question. What was there to prevent that neighborhood from turning out and laying right hold of him, and giving him up to an officer of the law and have him put in prison?

Answer. They did not know they had any right to do so. I heard several men say they could go and arrest him, and was willing to do it at any time if they had the right.

By Mr. BAYARD:

Question. They questioned their authority to arrest him without a writ in their hands?

Answer. Yes, sir.

By Mr. LANSING:

Question. Have you a justice of the peace up there?

Answer. Mr. William Sebastian is a justice of the peace.

Question. The brother of this man?

Answer. Yes, sir.

Question. If he should remain there, do you believe that an ordinary officer of justice could arrest and hold him without assistance?

Answer. I do not believe that he could.

Question. Do you believe they would have help enough furnished them to do it?

Answer. Yes, sir; I believe they would.

Question. How far from your settlement is your jail?

Answer. It is eleven miles from where I live.

Question. Do you think he could be taken and put in jail and kept there for trial?

Answer. I do not think he would be kept there.
Question. Why not?
Answer. I think his friends would take him out of jail.

By Mr. SCOFIELD:

Question. Do you mean by his friends these disguised men?
Answer. Yes, sir. They took a negro out and hung him.
Question. When was that?
Answer. That was last year. He was taken out by disguised men and hung, so they said.

By Mr. LANSING:

Question. So you have a very great doubt whether he would be punished, even if he should remain there?
Answer. Yes; I do not think he could be punished by the civil law. I believe if he could be held until a trial Judge Parrott would see that he was punished.
Question. What is the name of your officer there—your bailiff, or sheriff, or whatever he is called?
Answer. Mr. Kean, of Gordon County, is the man who has the warrant.
Question. The coroner's warrant?
Answer. I do not know whether it was the coroner's warrant or a warrant of the grand jury.
Question. What is he?
Answer. He is bailiff and constable.
Question. Do you know whether he has made any effort to arrest that man?
Answer. I do not know that he has. He sent me word a time or two to try and find out when he was about home and let him know.
Question. Was this bailiff at church when Sebastian was there?
Answer. No, sir.
Question. How far from the church does he live?
Answer. Two miles or two and a half, I reckon.
Question. How long did you know of this fellow being there, at the time he was at the church?
Answer. He was there at church on Sunday and Sunday night.
Question. Do you know whether anybody let Mr. Kean know he was there?
Answer. I do not. I sent a little boy off when meeting broke up and before the people dispersed. I told him to go right on and try and get word to him.
Question. You think this man Sebastian has taken the girl and gone off?
Answer. I think so; that is just my idea.

By the CHAIRMAN:

Question. How many disguised men took the negro out of jail?
Answer. I do not know. That was at Dalton, and I live away this side of Dalton. I did not see them; but I heard the jailer state that there were a great many of them that forced him to give up the key and took the negro out.

By Mr. BAYARD:

Question. What was the offense of the negro?
Answer. Well, I think an attempt at ravishment. Probably he succeeded; I do not know.
Question. Ravishing a white woman?
Answer. Yes, sir.

By the CHAIRMAN:

Question. That was the charge against him?
Answer. Yes, sir.

ATLANTA, GEORGIA, *October* 25, 1871.

JAMES L. NANCE sworn and examined.

By the CHAIRMAN:

Question. How old are you, where were you born, and where do you now live?
Answer. I will be eighteen years old on the 12th day of next December; I was born in Floyd County, and I now live in Whitefield County.
Question. Are you any kin to the last witness we examined here?
Answer. Yes, sir; he is my father.
Question. Were you at home when the party of disguised men came to his house?
Answer. Yes, sir.

Question. Did you see them?
Answer. Yes, sir.
Question. Well, what did they do or say?
Answer. They never did any harm; they give pa his orders.
Question. What orders?
Answer. They told him he went a little too far.
Question. Did they say in what respect?
Answer. Something about a negro being drowned up there; the conversation seemed to be that way.
Question. Did you know any of the men?
Answer. Yes, sir; I knew three of them; I saw them.
Question. Who were they?
Answer. William Sebastian was one, and Mr. Fields another, and Jim Ramsey another.
Question. Where do Fields and Ramsey live?
Answer. In Spring Place.
Question. How far is Spring Place from Resaca?
Answer. I think it is somewhere about twenty or twenty-five miles.
Question. Is Spring Place in Murray County?
Answer. Yes, sir.
Question. Does your father live near Dalton?
Answer. Not near Dalton; it is eleven miles from Dalton.
Question. How far is it from your house to Spring Place, where you say those men live?
Answer. I do not know exactly how far, but I think it is twenty miles.
Question. Who else did you know besides those three men?
Answer. I did not know any of the rest.
Question. How far does William Sebastian live from your house?
Answer. About three-quarters of a mile.
Question. Did you see enough of the other men to tell whether they were strangers there or not?
Answer. No, sir, they did not seem like they were strangers; there were but nine of them, and it seemed as if the most of them belonged there in that settlement.
Question. Did you hear either of the Sebastians make any threat in regard to your father?
Answer. Yes, sir. I was working for him at one time, and he and a man by the name of Mullins got into a fuss, and he threatened him with the Ku-Klux, and I heard that he threatened my father with the Ku-Klux.
Question. What did he say the Ku-Klux would do?
Answer. They said they would hang him. I believe that is what they said; that they would hang him higher than something, I forget what.
Question. Use the very words that he said.
Answer. I cannot use the words he said about it.

By Mr. SCOFIELD:

Question. Hang him higher than something?
Answer. Yes, sir; but I forgot what the place was.
Question. Was it "higher than Haman?"
Answer. Yes, I think that was it.

By the CHAIRMAN:

Question. Did you ever see any Ku-Klux any other time?
Answer. No, sir; that was the only time.
Question. Have you heard about their going about the country there?
Answer. Only once; there was a negro who had done some kind of meanness, and some Ku-Klux over in the valley hung him. I do not know whether it was this same klan or not.

By Mr. BAYARD:

Question. What had he done?
Answer. I think he had ravished a woman.
Question. A white woman?
Answer. He never ravished her, but he killed her.

By the CHAIRMAN:

Question. Where was that?
Answer. That was over in the Cove, as they call it.
Question. Have there been several negroes killed around there?
Answer. There was one killed in our settlement; or he was drowned, not killed.
Question. Was that the one Sebastian killed?
Answer. Yes, sir.

Question. Did you see that negro when he was chained?
Answer. Yes, sir; I was there one Sunday with my father.
Question. What was the condition of the negro?
Answer. He looked pretty bad; I saw that he had scars all over him.
Question. For what did Sebastian threaten your father with the Ku-Klux?
Answer. Because, I suppose, he gave evidence about the negro being drowned.
Question. Was he talking to your father or to somebody else?
Answer. To somebody else.

By Mr. BAYARD:

Question. What is the character of the Sebastians there?
Answer. Well, they used to have a pretty good character, but they have not now.
Question. Is this man, who is charged with the murder of this black boy, considered a bad man by the neighbors?
Answer. He is now. He is a justice of the peace, but he don't act much like it now; he never did much.
Question. Did you go before the coroner's jury?
Answer. Yes, sir.
Question. Did you tell them all you saw about the negro being chained up, and about the cruelty this man had inflicted upon him?
Answer. Yes, sir.
Question. Did you go before the grand jury when the indictment was found against him?
Answer. No, sir.
Question. Have you been summoned as a witness to go before the next court, when his case is to be tried?
Answer. No, sir; I was not summoned about the negro being drowned.
Question. You say you are the son of Mr. James Nance?
Answer. Yes, sir.
Question. What is your age?
Answer. I will be eighteen on the 12th day of next December.

By the CHAIRMAN:

Question. I understood you to say that these Sebastians used to have a very good character?
Answer. Yes, sir; they used to have before the war.
Question. And one is a justice of the peace there now?
Answer. Yes, sir.
Question. Which one?
Answer. William Sebastian.
Question. Is that the one that was making threats about the Ku-Klux?
Answer. Yes, sir.
Question. Do you know who appointed him justice of the peace?
Answer. I am not certain; I believe Judge Parrott.

By Mr. SCOFIELD:

Question. Do not the people elect justices of the peace?
Answer. Yes, sir, I believe they do up there.

ATLANTA, GEORGIA, *October* 25, 1871.

W. H. HARRIS sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now live, and what is your present occupation?
Answer. I am nearly sixty-one years old; I was born in North Carolina; I live up in Tilton, Whitefield County, nine miles this side of Dalton; I have been living there ever since before the war; my occupation is that of selling spirits by retail, and boot and shoe making.
Question. Are there any people in your county that are called Ku-Klux?
Answer. We have had one bunch there; they passed my house one night not long since.
Question. How many were there of them?
Answer. I counted eight of them; I heard some say there were nine, but I only saw eight. They stopped in my yard, and bought a pint of whisky of me.
Question. Did you know any of them?
Answer. No, sir.

Question. Which way were they going?

Answer. They came from the river up towards my house, and then turned and went westward, probably a quarter of a mile, and then turned and came back and turned around towards Resaca, and I understood that they went to Resaca.

Question. Is that the same night that they went to Mr. Nance's house?

Answer. Yes, sir; that was on Saturday night, between 9 and 11 o'clock.

Question. How were they traveling?

Answer. On horseback.

Question. How were they disguised?

Answer. I believe most of them were disguised in black, the horses covered in white. They had one mule in the bunch that was not covered at all.

Question. How were they armed?

Answer. All the arms I saw were pistols, five or six shooters; I never noticed particularly. Only about four came up into the yard and the balance staid off, out of the yard.

Question. Have you heard of this kind of people being about there through that region of country?

Answer. Yes, sir, in some two or three cases, I think.

Question. When did you first hear of them?

Answer. Probably a year ago; not right in my immediate neighborhood; twelve miles from me was the first account of them I ever heard.

Question. What was the next?

Answer. Well, I do not know how long since; it has been may be four or five months, probably longer than that; I paid no attention to such things as that.

Question. When was the last time that you heard of them?

Answer. It was last Saturday three weeks ago, which was the last day of last month, between 9 and 11 o'clock.

Question. Did the first company of these men do anything?

Answer. Yes, sir; the first crowd I ever heard of, of that kind of men up there, took a negro out of jail in an adjoining county and hung him.

Question. In what county was that?

Answer. In Murray County?

Question. In what place?

Answer. It was at Spring Place. He was taken out of the jail in Spring Place and hung.

Question. What did the next crowd do?

Answer. The next crowd I recollect hearing anything about was a bunch of men who gathered up a negro for killing a white lady in Sugar Valley; they took him up and hung him.

Question. What was the negro charged with that they took out of jail in Spring Place?

Answer. He was charged with raping a white lady; a lady he was raised with.

Question. Why was not the negro who killed a white woman arrested under the law?

Answer. That is too hard a question for me to answer.

Question. How long before that time had he killed the woman?

Answer. From the best of my information, he kept out of the way the next day after the thing took place and was caught in two or three days after, and I think brought to Calhoun and hung.

Question. Did you hear what they did the night they were at your house?

Answer. Yes, sir.

Question. What did they do?

Answer. I understood there was a bunch of disguised men went to Mr. Nance's house. Whether that was before or after I saw them, I could not say. They went to Resaca, six miles from where I live, and went into a grocery and knocked about; what they did I cannot say. They went to Mr. Nance's, one of my neighbors, a fine man, and tried to get him out of his house. They were armed, and wanted him to come out of the house, and he said he would not go, but he would talk with them in his house. They were there and tried to get him out of the house, and a great deal of conversation took place that I do not believe that I could call over. I do not expect it is of any use for me to do so, for I reckon you heard it all better from Mr. Nance than I can tell it. The night they were at my house I was not thinking much about them, and I felt no ways alarmed. I thought it was just a bunch of men, what we call Ku-Klux, the first I ever saw, just running through there. But when I heard Sunday morning what had happened, I knew what they were out for, and I expressed my opinion then, and I will now, before any man or any set of men. I believe if they had got Mr. Nance out of the house they would have killed him; I think it was their intention to kill him.

Question. To what political party are these disguised men supposed to belong?

Answer. I could not tell you what they are. I can tell you what I suppose they are, from what I have learned since by hearsay, what some of them profess to be.

Question. Well, what is it?

Answer. They profess to be democrats, but whether it is the old arrangement or a new start-up I cannot say; that is what they claim, to belong to the democratic party.

By Mr. BAYARD:

Question. Have you yourself any personal knowledge of the men who belong to this organization?

Answer. I have not.

Question. When you speak of their being democrats, have you any personal knowledge of it?

Answer. I only say this, my friend: If they are the men they say they are that were in this club, I say they profess to be democrats; I do not say positively they are the men.

Question. Do you know they are the men?

Answer. I do not.

Question. Do you know Mr. Nance's politics.

Answer. I do.

Question. What is he?

Answer. I think he is a democrat and a gentleman; one of the finest citizens we have in our country.

Question. In your county, among the respectable men there, is there not a feeling of opposition to such acts as these?

Answer. Not that I know of; I can't say that there is. There never was a word said about these things that took place there before, either for or against, and no noise made about it.

Question. The acts you speak of now were the taking that negro out of jail who had ravished a white lady who had raised him——

Answer. Yes, sir.

Question. Do you mean that the public sentiment did not find any fault with that?

Answer. Nothing was said about it in any way, shape, or form.

Question. You do not know who did that?

Answer. No, sir.

Question. And the next case was that of a negro who killed a white lady, and he disappeared for a day or two, and then they caught him and hung him?

Answer. Yes, sir.

Question. Nothing was said in objection to that?

Answer. There was no talk about the matter.

Question. And the next case was the visit of these people to Mr. Nance's house and to Resaca?

Answer. Yes, sir.

Question. Do you know the facts about Mr. Posey Sebastian murdering a black man and throwing him into the river?

Answer. I do not know the facts.

Question. You know that such a charge was made against him?

Answer. Yes, sir.

Question. And he is under indictment for that offense?

Answer. Yes, sir.

Question. Was Mr. Nance visited by them because he had given evidence against him?

Answer. Yes, sir.

Question. Now, in regard to that crime of Posey Sebastian; was there, or not, a sentiment of condemnation in your setttement?

Answer. No, sir, I do not know that there was; I am only saying what I heard, now mind you. The first I heard of this thing was that a negro had been found in the river. Mr. Nance wanted the coroner and some men to examine this negro, and not have him put away until they did so. They investigated the thing for nearly two weeks, the jury and the coroner, and I think they brought it out plain proof that Posey Sebastian was the murderer of the negro.

Question. And after that he was indicted by the grand jury?

Answer. Yes, sir.

Question. And the evidence of Mr. Nance being the best evidence they could get on that point, he having seen something of it, and knowing nearly all of it, is it the opinion generally in the neighborhood that Mr. Sebastian and the Ku-Klux at large were the men who constituted the disguised band that visited Mr. Nance?

Answer. It is the sentiment there.

Question. And does the sentiment there sustain Mr. Nance in what he did?

Answer. Yes, sir.

Question. They are in favor of him?

Answer. Yes, sir.

Question. And against the Sebastians?

Answer. Yes, sir. Mr. Nance is as fine a man as there is in our county, and I have

talked with as fine citizens as we have there, and they think he should not be trampled on in that manner.

Question. That is the feeling of your people?

Answer. Yes, sir. We have as peaceable a neighborhood of country, I expect, as there is in the United States; there is no difficulty between Union and disunion, radical and democrat. But this thing is too rough for people to live under.

Question. And the sentiment of your county is opposed to it?

Answer. Yes, sir.

Question. Without regard to politics at all?

Answer. Yes, sir; they have nothing to do with politics in a case like this.

By the CHAIRMAN:

Question. Have you heard much said about the drowning of that negro?

Answer. No, sir; it is a thing lying very still.

Question. But they make a great deal of complaint about the Sebastians going and disturbing Mr. Nance?

Answer. I do not know that they do.

Question. They disapprove of disturbing Mr. Nance by these people?

Answer. Yes, sir.

Question. But they do not say much about the drowning of the negro?

Answer. That is generally talked about, that if we could only get the right end of it, and we think we have got it on this Ku-Klux business now. It was a thing talked very little about, because the jury kept everything quiet at Resaca, and the witnesses told nothing outside. There was no inquiry made, for the suspicion lay right where it fell at the start.

Question. There was not much said about it until these Ku-Klux came around and disturbed Mr. Nance?

Answer. That is so. The night they came to me I had no idea there was any such thing; I was under no excitement whatever, because I never saw the like before, and it did not excite me a bit. But Sunday morning, when I heard they had been to Mr. Nance's, the thing did not more than get to my ear when I knew where it started from.

Question. You have said that Mr. Nance is a fine man?

Answer. Yes, sir.

Question. How is it with regard to the Sebastians?

Answer. They stand very well.

Question. One of them is a justice of the peace?

Answer. Yes, sir; Mr. William Sebastian, one of the men in the crowd that night, is a justice of the peace, and I expect doing business about twenty steps from my door.

Question. What kind of business?

Answer. Merchandise, dry-goods, and family groceries.

Question. He is a merchant there in that community?

Answer. Yes, sir; and acting at the same time as postmaster.

Question. And justice of the peace also?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Tell us what kind of a character Posey Sebastian has.

Answer. Well, he has been a man apparently of very good character and very good standing. Before this thing took place he was a man I thought very well of, and of all his family, and respected them as good citizens myself; I do not know what was the opinion of other people.

Question. That was before this thing took place?

Answer. Yes, sir.

Question. How is it now since this thing has taken place?

Answer. Since this thing has taken place I have not a bit of use for him, not a particle, and the community have not.

Question. What is his standing there?

Answer. He has none there at all; and the people have no respect for him more than if he was a dog.

Question. That is, the decent people of the community?

Answer. Yes, sir; the decent people. I have not seen him, with the exception of about once, since that thing took place.

Question. When a man in your community is charged with having murdered, or believed to have murdered a negro, and to have taken his life in the way that Posey Sebastian is supposed to have done, do not the decent people of your community look upon him with contempt, and have no respect for him at all?

Answer. They look upon him as if he should be put to death according to law.

Question. That is the general opinion?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Have you ever known a white man to be put to death according to law for murdering a negro?

Answer. At any time?

Question. Yes, at any time.

Answer. I do not know that I ever did.

Question. Do you believe that Posey Sebastian will ever be tried and punished for drowning this negro?

Answer. If he is taken up, caught by the officers of our county, I think he will.

Question. Will he ever be taken up and caught?

Answer. If you get the right kind of men after him.

Question. Has he not been there openly at meeting, and at other places?

Answer. I understand he has been at meeting once or twice, and at Tilton once or twice, but I have not seen him.

Question. Have you ever heard of any attempt to arrest him?

Answer. No; which I think is wrong; they ought to have had the country full of men to hunt him up.

By Mr. VOORHEES:

Question. Have you ever heard of a white man being put to death according to law for killing a white man?

Answer. Yes, sir.

Question. In your county?

Answer. Close by, in Calhoun County, I saw a man hung by the neck until he was done dead, and I was a guard there.

Question. How long ago was that?

Answer. It was before the war.

By Mr. BAYARD:

Question. Do you know in whose hands the warrant has been placed for the arrest of Posey Sebastian?

Answer. No, sir; I do not know that there ever has been such a thing; I only understand from Mr. Nance that there has been.

Question. Do you know what effort the officers have made to capture Sebastian?

Answer. I do not know whether the man has ever gone out of his house to do it at all.

Question. You do not know whether he has made search, one way or the other?

Answer. No, sir, I do not.

ATLANTA, GEORGIA, *October* 25, 1871.

O. G. RAY sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, where do you now live, and what is your present occupation?

Answer. I will be twenty-four years old to-morrow; I was born in Jackson County, and I now live there; I am a farmer.

Question. When did you come up here from Jackson County?

Answer. Last Monday was a week ago.

Question. Have you any people down there that they call Ku-Klux?

Answer. Well, there are some disguised people there that they say are Ku-Klux.

Question. Have you seen any of them?

Answer. Yes, sir.

Question. When?

Answer. As well as I recollect, the first time I saw them was the first Monday in April last.

Question. Where was that?

Answer. Down in Jackson County, between our house and old Mr. Ezekiel Hewett's house.

Question. How many of them were there?

Answer. Between thirty-five and forty; I suppose thirty-six.

Question. Where were they going?

Answer. Over towards Russell Aaron's; they had been to Bill Booth's, and had just started over there when I met them. They went once after my brother-in-law, Russell Aaron.

Question. Did they find Booth?

Answer. Yes, sir.

Question. Where?

Answer. At my brother-in-law's.
Question. Were you there?
Answer. I had been there, but was coming away.
Question. Did they say anything to you?
Answer. No, sir; they never spoke, and never noticed me. I kept on one side of the road, and they came along in a lope, and did not notice me.
Question. At what time was that?
Answer. I suppose it was between 9 and 10 o'clock.
Question. Did you know any of them?
Answer. No, sir.
Question. How were they disguised?
Answer. They were dressed in black, and their horses in white, and they had a black-looking thing over their heads.
Question. Could you see whether they had any arms?
Answer. I could not see; it was in the night, and they were going in a lope.
Question. When did you see them again?
Answer. When they came to my father's.
Question. When was that?
Answer. The same night they said they went upon Mr. Holliday.
Question. How many of them were there?
Answer. I reckon there was some fifteen or twenty; not over twenty, and not under fifteen, I reckon; I never paid much attention to them.
Question. Did they do anything at your father's house?
Answer. Yes. sir.
Question. What?
Answer. When they first rode up they hollered, "Halloa." I laid there until they hollered the third time, and then I said, "Halloa." They said, "Get up and show us the way out of here; who lives here?" I said, "Willis Ray." They said, "Where is he?" I said, "He has gone over to Russell Aaron's." They asked me to make up a light. I went to the fire-place, and asked mother if there was any light-wood, and she said "No." I said "Perhaps I can get a piece off this board." They said, "Never mind; we will take your word for it." They told me to tell father that if he did not stop talking as he had been doing they would hang him higher than Haman.
Question. What had he been saying?
Answer. They said he had been talking about the Ku-Klux.
Question. Did you know any of them?
Answer. Yes, sir; I thought I knew the voice of Mr. Hancock. I could not tell about the voice when they were talking to me, but when they hollered they let out their natural voice.
Question. Did they have anything to say to anybody else but you?
Answer. No, sir.
Question. Were they disguised as the first ones were?
Answer. Yes, sir.
Question. They were riding?
Answer. Yes, sir.
Question. Have you seen them at any time since?
Answer. No, sir; not since.
Question. You have not been down there since you came up here to court?
Answer. No, sir; I have not been back.
Question. How long since you first heard of their riding about through your county?
Answer. I do not know that I can recollect; a good while.
Question. A year or two?
Answer. I do not know whether they have been riding about there that long, but down in Oglethorpe they have.
Question. What is it understood that they do when they ride around?
Answer. I do not know exactly what. If they hear of a man and his wife disagreeing, they go and tell him that he must quit it. They went to Tom Arnold's, and told him he had to quit selling liquor.
Question. What was that for?
Answer. I do not know.
Question. Who was he?
Answer. Thomas Arnold.
Question. Where does he live?
Answer. In Jackson County; he is a store-keeper there, and he keeps liquor for sale.
Question. And they told him he had to quit selling liquor?
Answer. Yes, sir.
Question. Have you heard of anybody being whipped by them?
Answer. No, sir; not in our settlement that I know of —— Yes, there was a negro whipped there the night I saw them first, Mitchell Pendergrast.
Question. Where does he live?

Answer. Down below our house a piece—between our house and Mr. Holliday's.
Question. How far from where you saw them?
Answer. Not more than three-quarters of a mile, I reckon; not over a mile, anyhow.

By Mr. BAYARD:

Question. You came up here to testify before the grand jury in the case of J. R. Holliday?
Answer. Yes, sir.
Question. And you testified about it?
Answer. Yes, sir.
Question. And you stated there pretty much what you have stated here?
Answer. Yes, sir.
Question. You say you knew none of those people who passed you on the road?
Answer. No, sir; I would not have known my daddy or my brother if he had been there.
Question. They were disguised completely?
Answer. Yes, sir; I could not tell whether they were white or black.
Question. And you could not identify anybody when you testified before the grand jury?
Answer. No, sir; only the voice of the man that hollered, "Halloa."
Question. You spoke of a man selling liquor; had he been selling liquor to the boys around the neighborhood?
Answer. Well, he keeps up a public grocery.
Question. Did he make it a pretty riotous place?
Answer. Saturday evenings they have shooting-matches there, and sometimes they have some rows.
Question. Had he been selling liquor to the sons of the people in the neighborhood—to the young men?
Answer. No, sir; not that I know of. I do not go there much.
Question. They used to have rows down there?
Answer. Yes, sir.
Question. And these people gave him orders to stop?
Answer. They told him he had to stop it.
Question. And this is all you know about the operations of these people?
Answer. Yes, sir.
Question. You know nothing about the existence of any of these bands, except what you saw yourself?
Answer. That is all.
Question. Does anybody else sell liquor about there?
Answer. I believe he is the only one that keeps store there.
Question. Is he the only man in the county that sells liquor?
Answer. Well, I believe that Green Smith deals in it.
Question. Are there any stills there?
Answer. I do not know of any stills running there.
Question. They do not make any liquor in that county?
Answer. There is some brandy made there.
Question. Do you know what Arnold's politics are; whether he is a republican or a democrat?
Answer. I do not know.
Question. Do you suppose the reason they directed him to stop selling liquor was because they were opposed to drinking it?
Answer. I do not know whether it was or not.
Question. Is Willis Ray your father?
Answer. Yes, sir; they say so.

ATLANTA, GEORGIA, *October* 25, 1871.

WILLIS RAY sworn and examined.

By the CHAIRMAN:

Question. What is your age, where were you born, and where do you now live?
Answer. I am sixty some odd years old; the real record of my age is destroyed and burnt up; I was born in Jasper County, in this State, and I now live in Jackson County, Georgia.
Question. What is your occupation?
Answer. I am a farmer.
Question. How long have you been living in Jackson?
Answer. I was raised from about six or seven years old, until about fifteen years old,

in Oglethorpe County. From that, all the balance of my time in Georgia was in Jackson County, with the exception of some four years in this county.

Question. Have you any people in your county that they call Ku-Klux?

Answer. There is a heap of chat about such people there.

Question. What do they say about them?

Answer. They say they are Ku-Klux.

Question. What do they say they do?

Answer. They say they do what they say they will do. We hear people promulgate this way at meeting crowds, that they know there is business, and they do it; or what they say they will do.

Question. What is that?

Answer. I know what they said they would do to me: if I did not hush talking, they would hang me.

Question. What had you been saying that they wanted you to hush?

Answer. I had been raising a warning voice for their good, on account of their reckless conduct. I had been talking of the misfortunes they were subjecting themselves to, in going to so many places of the same night and trespassing and interfering between men and their wives where I did not consider they had any business, where the relatives of the men and wives had no business to have said a word. It seems to me a secret interference where there should have been none. I talked about them in that way.

Question. They said that you had to quit that or you would be hung?

Answer. Yes, sir. One week before they came to bother me I could hear their horses' feet on every road.

Question. How often?

Answer. Along toward the last as often as once a week. The first I noticed of them was in the fall, along about wheat-sowing time. My son came in one time in his drawers and shirt-sleeves, bareheaded and barefooted, scared badly, and called upon me to go down to see whether his mother-in-law and little children were molested and hurt. He said that he jumped out of the window and ran. I put on my clothes and took my son, who is here with me, and went down there. When I got back he was out in the cotton-patch, near my house, with his mother's bed-quilt and some clothes. The next thing they went on my son-in-law. I make free to say that young Billy Booth is as honorable a man as ever was. They were at old man Mobley's and Russell Aaron's, and Thomas Arnold's the same night, and they had just as much business in hell as they had at either of those places; not that I wish them any harm, for if they looked at it right I was their friend, and they were unapprised of the dangers they were subjecting themselves to. My oldest daughter was the step-mother of one of the party that was brought up here in chains. I heard how they were doing, and I was afraid that innocent people would suffer. They came on old man Woods on the night they raided old man Sampson, and left a charge to inquire if there was not a man in the neighborhood named Ray, and what kind of a man he was. They said, "He must hush talking." I was apprised of the fact before they got by. I told them everywhere; I was no ways secret about it. Then the next Monday night I heard them coming; I had become alarmed from their roaming, and was on my watch. As they went on to Holliday's, I left the house. My wife and son wanted me to stay; said they would not abuse me. Pretty quick after I heard them stop; I heard the firing of two or three guns, may be four; then they commenced a scattering fire, two or three or four, and then there were three spells of it. While they were trying to kill him, I was praying for them and him too, that he might escape their hands, and that there might be no such disgrace come over the county, and that God might be glorified in the world. They turned around and came to my house. I was not there; I heard them, but not enough to recognize their voices. When they left they blowed a whistle, such as I never heard before. My wife and son came to me and said they had come there and gone. I said that I knew it, and that I expected Holliday was dead. Then I heard horses' feet return back to my yard. I said, "You better get back to the house, for if they catch you out of the house there will be a commotion." They came up within a hundred yards of my house, and then hitched their horses, and staid there until a few minutes before daybreak. They then went down in the direction of where these arrested parties live. I heard dogs bark, just as home dogs bark when their own people come. These people went there, or stopped there. The next night, between 10 and 2 o'clock, they came again, and came to the same ground, and staid there until some fifteen or twenty minutes after daybreak. Wilson sent for me the next morning.

Question. Who is he?

Answer. A boy raised in my neighborhood. He sent for me to come and see him. I started, and took my son with me. I met him, and he took me in the house, and told me that he wanted to make a trade with me. I said, "What is it?" He said, "Did you get the word I sent to you by Mr. Hinton?" I said, "I did, but I was afraid." I said, "I understand you are known as being one of them, and not only that, but the manager." He said he did not know how that could be possible. I said,

"This is ridiculous conduct for you to be out so often." I said, "There is so much talking about people's taking up men's and wives' business, and so much roving, that everybody knows it; and perhaps you are often watched to your house." He said, "Yes, that is so, no doubt." Said he, "There were two men in their shirt-sleeves the night they stopped here at my house." There I got a little more light. I said, "Why did they stop here?" He said, "They wanted me to go out; but I did not go out." I said, "Wilson, you have fished for me a long time before you got me to say a word; you know what I told you, and you say it is true." I said, "Give me a dog's chance; let me and you settle it between us, or let me quit the State." Said he, "If you find me in it, you may cut my throat." I said, "Don't tell me that; I have lost all confidence in you in the world; if you do it, I shall not be disappointed; and if you don't do it, I will not be disappointed." Then he got up this peace resolution, and came to me to read it. I said, "It is clean to my ear, honorable, and right; if you will stand by that, it will be all I ask." There were eighty-four of us signed it. Since the soldiers made their affidavit in Jefferson, he came to see me. I said, "You are the manager of this thing; go to the officers of the county, and get them to give bond and security to the Government of the United States for good behavior, and we can maintain it." Well, when Haney rode up that morning to his grandfather's, after he got into Jefferson, and told me what he had to tell me, I told him to do so, and he said it was too late. That was because they did not want it done. There has not been another raid since. I said, "This advertisement stuck up at Holliday's gate has broke that pledge; now go and give bond and security, and we can maintain it." They said, "It is too late." I said, "I will give you the advice of a brother: forbear threatening." That was when he said that there were but two men to swear against them, and they would kill them. On Sunday we had a meeting. They inquired about shooting. He shook the back of his hands in Mr. Whitehead's face, and said, "Whenever he says to me what he says to another man, I will kill him."

Question. Who said that?

Answer. Jack Haney, one of the men that was arrested. James Haney came by that night and fired his pistol against his grandfather's corner, and then another discharge, and then another discharge. His grandfather, who married my daughter, said, "You will suffer for this." The next morning he said, "Jim, who was that shooting last night?" He said, "It was me." His grandfather said, "Jim, have you no more sense than that?" He said, "Yes, I have as much sense as any man." His grandfather said, "You have a bad way of showing it; I will indict you for that." He said, "If you do, you never will indict another man." He said, "I will do it." Then the other said, "If you do it, I will make you lose more than you fear to lose." The old man said, "I am not afeard of you." Jim said, "Then I will not strike you." Then the thing broke up. These men ride down from toward Masonic Hall; I have lain out and watched them do it. I am positively afeared, and it is for nothing I have done. I have never seen any man in disguise, and never heard one talk in disguise. But it is so that I cannot live in this Christian land without fear.

Question. Have these other men you spoke of been molested by them?

Answer. Certainly, it must have molested them when they committed this outrage.

Question. What was the outrage?

Answer. On Thomas Arnold and his wife. He has an unruly woman, and hard to control, and they have many a quarrel. I have heard it rumored that they have fought: I have heard it that she has whipped him. As for Billy Booth, I did hear of one little difficulty that is very common when a man gets his second wife; but that is only rumor—only settlement chat. This man Holliday was charged with having whipped his daughter, with having cut her back all to pieces.

By Mr. BAYARD:

Question. That was J. R. Holliday?

Answer. Yes, sir; you know I could not have any prejudice against him, because he married my daughter. Knowing there was a bad feeling between Hewett and his father-in-law and Holliday, I said, "You should not have mentioned it now; people will get hold of it; you should recollect and be particular how you talk; that the back is subject to examination." The old man, old Billy McDonald, sent down to examine her back. They fell out with him about taking a hog. He is a good citizen, and opposed to Ku-Klux throughout. Holliday is a high-strung man, of high mettle. Old man McDonald met me on the day of the legislature. He said, "There has been a damned lie told; they said Holliday would not shoot, and he has shot; but the thing is all hid." Then they called at Mr. Bowman's for half a gallon of liquor. I said, "No, don't you drink a single drop." He said, "My spirits get too low at times." I said, "Mine are too high." I was there when they went through with the whole of it, but nobody got tight. I was rather satisfied with that until they put up an advertisement, "You damned old cuss, your death is near at hand."

By the CHAIRMAN:

Question. Was that at Holliday's house?

Answer. Yes, sir; they said if he took that down, he should hang in its place. I said, "If Wilson was there, I would go right to him and take it down." I said, "This will bring a fight with the presses; if I can get hold of it, I will take it and go to the printing office and find the man it belongs to. Some one will know who did it. It is easy to detect handwriting, and he will be revealed by his frequent visits and unruly tongue." They took that down in the spring. Then there was a great deal of night shooting. Jones hallooed out, and they halted, and shot at him; that was to aggravate Holliday.

Question. Did you hear of their going to a man by the name of Arnold, and telling him to quit selling liquor?

Answer. Yes, sir; he told me himself that they did it, and said that if he did not do it, they would skin him alive.

Question. Why did they not want him to sell liquor?

Answer. Because they wanted to do so themselves; to run the blockade without conforming to the law. That is my opinion of it.

Question. You say that some of them charged Holliday with whipping his daughter.

Answer. Yes, sir; George Haney, one of the arrested parties that were here.

Question. And you told him what?

Answer. I told his grandfather that he should have been more careful in talking, knowing the bad feeling there was between Hewett's and Haney's family and Holliday and McDonald; that it would make the matter worse. My daughter had become a step-grandmother to them, and I wished the children all well. If I was partial in my life toward any two men, it was toward Ezekiel and Jack Haney. I thought they would be noble men some day, and would be able to stand by the standard of their country, and defend it. I was partial in my feelings toward them; I thought they were beautiful men. There is no bad feeling yet; but such conduct as they are guilty of, if it is so, and I am obliged to suspicion them, I cannot commend them for it. If they are ignorant of this thing, then I have made known my opinion.

Question. What is Wilson's business?

Answer. He is a very fine workman, an elegant school-teacher, and now has the chief office of the county in regard to public schools; he is a smart man.

Question. Did he deny that he had come to your house?

Answer. He denied for one of them tectotally; yet he has been there all the time backward and forward.

Question. Have you told us all you know about their doings?

Answer. Yes, sir. I may know something I do not think of now; I only want to tell what I know.

Question. Have there been any whippings in your neighborhood?

Answer. A great many of them in the neighborhood.

Question. Who has been whipped?

Answer. There was Mitchell Reed, and old Sampson Pendergrast, and the Flannigan negro, Harrison Flannigan, a time or two; they have had several bouts at him first and last. Old Johnny Seay's place was notified; he is a nice man.

Question. For what did those men take it upon themselves to disguise themselves and their horses and go about over the country?

Answer. I am not able to tell you, more than it is my opinion that they did it to make everybody just sway to what they say, to take everything into their own hands. They have defied the powers that be, so that they cannnot be stopped, cannot be found out, cannot be checked.

By Mr. BAYARD:

Question. Have you been before the grand jury in Holliday's case?

Answer. I have not.

Question. Were you not summoned here?

Answer. I was summoned here, and have been here now the ninth day.

Question. Did you see Mr. Pope, the district attorney?

Answer. I reckon; I do not know him.

Question. Have you been examined by somebody to find out what you knew about Holliday's case?

Answer. There was a man in the other room wanted to take down something the other evening.

Question. Did you recognize any of these disguised men at all?

Answer. No, sir.

Question. Did you see them?

Answer. I could have seen them, but I was afraid to raise up high enough to see them.

Question. You could not swear to any of them?

Answer. No, sir.

Question. How old was this daughter of Mr. J. R. Holliday, whose back was said to have been cut into strips by him?

Answer. It was his wife; a fine woman.
Question. Who said her back was cut?
Answer. Mr. Hewett told me that George Haney said he saw it.
Question. Was she a Miss Hewett?
Answer. She was a Mrs. McDonald before she was married.
Question. Who saw her back?
Answer. George Haney said he saw Bob Holliday do it.
Question. Do what?
Answer. Whip her and cut her back all to smash, and wear out one hickory, and send her little daughter out for another. He said she begged him not to do it; and then [redacted] ran off, so as not to let Holliday see him.
Question. Was there bad feeling between Haney and Holliday?
Answer. Yes, sir.
Question. What did that bad feeling grow out of?
Answer. Out of an old lumber bill that old man Hewett had sawed years ago, and [redacted] did not get satisfaction for, as he thought. He is all the man I ever did hear say a [redacted] harm of Bob Holliday. No man living I have more confidence in than Ezekiel Hewett [redacted], but some people will hold prejudices amazingly.
Question. There was an old grudge between Hewett and Holliday, growing out of an old transaction, and continuing down to the present time?
Answer. That is my opinion.
Question. Was Haney any relation to Mrs. Holliday?
Answer. None at all.
Question. Where was he when he saw Holliday whip Mrs. Holliday?
Answer. Right in the road.
Question. Did Holliday know that Haney had seen him?
Answer. No; I reckon he was like I was; he did not believe it.
Question. Did Holliday know that Haney had charged him with it?
Answer. Certainly he did.
Question. Did he get angry with Haney?
Answer. He heard it first from his wife's people, and it made him very angry with them, and liked to have parted them, until he found out where it did come from.
Question. What did he say against Haney?
Answer. Nothing, that I ever heard of.
Question. There was bad feeling between Holliday and Haney?
Answer. Yes, sir, there was. I was at the old man's Sunday evening before this thing took place on Monday. I was talking about the threats of Billy McDonald. He said that if he was not afeared to get into the law, he would go down, but he would let it alone for the Ku-Klux to do. I said if he did that he might as well let it alone until doomsday, for it never would be settled.
Question. What was that?
Answer. About Holliday's wife; as he heard from his grandson.
Question. You say there was a case in which husband and wife quarreled very bitterly?
Answer. I did not say bitterly.
Question. Well, you say they quarreled?
Answer. Yes, sir; there was a quarrel between Booth and his wife; and in the morning she threatened him with the Ku-Klux. They put up a notice to him, that if he did not stay at home and quit drinking, the Ku-Klux would be on to him.
Question. His wife threatened him with that?
Answer. He said, "The Ku-Klux have never threatened me; it is some of my mischievous neighbor boys that did it." That was in the morning, and it was at night that they were on to him.
Question. What did they do to him?
Answer. They caught him at Russell Aaron's; and they asked him if he denied that they put up that notice. He said he did not, and raised up his right hand, and said that he would suffer it to come off if he had denied it.
Question. Was he a drinking man, and did he abuse his wife?
Answer. If he did, I did not know it.
Question. His wife threatened him with being Ku-Kluxed?
Answer. Yes, sir.
Question. And this visit followed?
Answer. Yes, sir.
Question. Was that about the same in the other cases?
Answer. About the same.
Question. Did the husband or wife threaten with the Ku-Klux?
Answer. I do not know that Mrs. Holliday ever threatened her husband in her life; I think she is too shrewd a woman to do that; I think her above the like of that.
Question. She would keep her domestic troubles to herself?

Answer. Yes, sir. She is a good woman; but the other is not so experienced, and is more like a child.

Question. You said something about their selling liquor; were there illicit stills up there?

Answer. If there is anything like that, I am not the man knowing to it at all.

Question. How about this man who was told that he should not sell liquor any more.

Answer. I do not think he has any still.

Question. To whom does he sell it?

Answer. He sells it to anybody that will buy it; he is licensed.

Question. Was it riotous there?

Answer. I think there was some turmoil there; some quarreling and fighting, perhaps.

Question. He merely had notice not to sell any more liquor?

Answer. The boys stuck matches through the house and lighted them up. I told them that was the danger of the thing. He had been indicted for selling without a license, and the county made him suffer severely for it; and then he got a license. They told him that if he did not quit they would skin him alive. Now, he would look well going about without a skin. That night they whipped that yellow boy Mitchell Reed, who has been here——

Question. What had he done?

Answer. I did not hear anything that he had done. Charley Mason was the man with whom he had lived, and he said it had ruined his crop. They also went to Squire Chandler's, and ran off the servants he had.

By the CHAIRMAN:

Question. Was this the man (pointing to Mr. Ricks, the clerk of the committee) who took down your statement?

Answer I think he is.

Question. Was the Mrs. Holliday who came here as a witness the same one that Haney charged with having been whipped by her husband?

Answer. I think so. Her family is of loyal stock, and there is no better friend to the Government than old Billy McDonald. If we had had a plenty of old Billy McDonalds, we never would have had the war we have had.

Question. Was he a Union man?

Answer. Yes, sir.

Question. Was Holliday a Union man?

Answer. I believe he was.

Question. Do you believe what this man Haney said about Holliday's whipping his wife, or do you think it was just a slander that he started?

Answer. No, sir, I do not believe it was so, and I thought his grandfather ought not to have believed it. People need not tell falsehoods and expect them to go before men of intelligence as facts, for they carry a light that betrays them.

Question. And until McDonald found out the truth about it, he was a great deal disturbed?

Answer. Yes, sir; and said that Holliday could not cut his back.

Question. In regard to the complaints that Booth's wife made, did you hear her make them?

Answer. No, sir; but I think Mr. Aaron heard Billy say so. Billy Booth said, "I did say it, but no person living ever heard it but just me and my wife; and they scared me, and I told them a lie." He said that just as soon as they went away.

Question. What sort of a man is Booth?

Answer. He trades a little, horse-swaps a little, farms a little, and gets tight once in a while. His wife said to my wife that she had quit crossing him, and takes part of the fault herself. I hope she is going to do better than she has been doing. I reckon they would have done better anyhow if there had been no meddling with them.

Question. Which side do these Ku-Klux generally vote on when they go to the elections?

Answer. Well, if I know them, and I suspicion them very strong, I think that they want to tear down this Government; that is my sentiment; that is what I think.

Question. Were any of them in the rebel army?

Answer. Well, I think the height of them were. George Haney was not, for he was not old enough, but the others were.

Question. Have you heard them express any hostility to the Government?

Answer. Certainly I did hear that; and that makes me lose confidence in any man. A man who is not a true friend to his government is not a true friend to me.

Question. Do they manifest hostility to the friends of the Government?

Answer. Certainly they do.

By Mr. BAYARD:

Question. Do you know a single person that you know to be a member of this organization?

Answer. I do not; if I did, I tell you he would have been felled to the floor before now.

Question. You do not know the politics of any man that belongs to that order?

Answer. No, sir; I do not know the politics of any such man; if I was to hear such a man as that say it, I would not know whether to believe him.

ATLANTA, GEORGIA, *October* 26, 1871.

W. R. AARON sworn and examined.

By the CHAIRMAN:

Question. State your age, where you were born, where you now live, and what is your present occupation.

Answer. I am twenty-eight years old; I was born in Forsyth County, and I live now in Jackson County; I am a farmer.

Question. Has your wife been before this committee as a witness?

Answer. Yes, sir.

Question. What is her name?

Answer. Nancy Aaron.

Question. Tell us whether, in your community, there have been any people that are commonly called Ku-Klux.

Answer. Yes, sir; there were thirty-six came to my house at one time; I do not recollect exactly the time they came. They came there to see Mr. Booth; that is what they told us when they came; they had nothing to say out of the way to any of my folks.

Question. How came Mr. Booth to be at your house?

Answer. He was owing me a little money, and as he was passing by there he stopped to pay me. He had been to the grocery to get a little whisky; he drank right smart, and that is what they said they came on him for.

Question. What sort of a man is he?

Answer. I do not know anything against the man, only that he will drink too much.

Question. How old a man is he?

Answer. About thirty-five, I think; he looks like he may be that.

Question. Are there other men in your country that drink too much?

Answer. Yes, sir; an old man there by the name of Mr. Mobley, that lives within a half a mile of me, has laid drunk, I reckon, for about four months this summer.

Question. Are there any others?

Answer. There is another there by the name of Jot. Day; he nearly lost his crop by drinking too much.

Question. Are there any others?

Answer. Not that I know of; none that drink to excess.

Question. Are there others that get drunk?

Answer. Yes, sir; there are others if I could recollect who they are.

Question. I suppose that in your community, as in most others, nearly everybody takes his dram, and some take it too often?

Answer. Yes, sir.

Question. Were you ever asked to join the Ku-Klux?

Answer. Yes, sir.

Question. When?

Answer. Along this summer, about laying-by time; about the 1st of July.

Question. Who asked you?

Answer. A man by the name of Perry Nicholson.

Question. How old a man is he?

Answer. About twenty-seven, I think.

Question. Where did you meet with him?

Answer. He came to my house and asked me would I join them. I reckon that must have been his business there. He first had been saying that it would be best for him to join them, and he asked me if I would join them. I said, "No, not for the world." Then he turned around and said that he would not, either.

Question. Was he supposed to belong to them?

Answer. I never heard anything of that sort said, but his conversation run that way.

Question. What did he tell you about them before you expressed this opinion?

Answer. He mentioned to me about going to Mr. Holliday's, a week or so before he mentioned to me about joining them, and telling Holliday that if he would put up a

notice that he was sorry for having accused some men of being Ku-Klux, they would not trouble him any more.

Question. Why did he say that he thought he would join them?

Answer. He did not say, except that it would be the best thing for him to do so; that they would bother him if he did not do it. He asked if I would join them, and I said, "No, I would not for the world."

Question. Was that before they came to your house or afterward?

Answer. It was after the Ku-Klux came to my house.

Question. How were those men disguised who came to your house?

Answer. They were most disguised with oil caps on, and were dressed in black.

Question. Were they armed?

Answer. Yes, sir; they had pistols.

Question. Were they walking or riding when they came there?

Answer. They were riding.

Question. At what time did they come there?

Answer. It was between ten and eleven o'clock at night, probably a little later than that; we had no clock. We were just fixing to lie down when Mr. Booth came to the house.

Question. How long after Booth came did they come there?

Answer. Not more than fifteen or twenty minutes.

Question. Did any of them come into the house?

Answer. No, sir; I asked them in, but they would not come in.

Question. Did you know any of them?

Answer. I did not know either of them that I know of. There was an iron-gray critter and a mule that I sort of recognized.

Question. To whom did you think they belonged?

Answer. I think they belonged to Jack Haney and Madison Finch; that is my honest opinion about the two critters.

Question. How long after this man came to your house and had this talk about Mr. Holliday's putting up a notice, before they made the attack on Mr. Holliday?

Answer. I reckon it was about three weeks.

Question. Where were you the night Mr. Holliday was attacked?

Answer. I was at home.

Question. Did you see anything of the men who attacked him, or did you hear them passing?

Answer. No, sir; they did not pass along my road at all; they went right on from here to old man Ray's; so they said.

Question. Have you heard any man speak of being there at Holliday's that night?

Answer. Yes, sir; Perry Nicholson told me in about two weeks afterward, I reckon, that Mr. Jim Thurman told him as a secret, that he kicked Holliday out of the house that night. He told me that he would tell me this if I never would tell anybody. I said, "Just so," and then he up and told me. I said something to Mr. Holliday afterward, and Mr. Holliday said he thought he knew the man who did it.

Question. Did Nicholson say whether he himself had been there with them that night or not?

Answer. No, sir, he did not say. Nicholson was working with this Jim Thurman.

Question. What sort of a man is Thurman?

Answer. I do not know much about the man; I never had any dealings with him.

Question. Is he a man of property?

Answer. Yes, sir; he has got right smart of property.

Question. Did he own slaves before the war?

Answer. I think he did, but I am not certain; I never saw him before the war, but he is worth right smart.

Question. Do you know whether any threats have been made against Mr. Holliday, or against anybody who opposes the Ku-Klux?

Answer. No, sir; not that I know of.

Question. Do you know anything about the burning of Mr. Holliday's property since he came here?

Answer. No, sir.

By Mr. BAYARD:

Question. Were you here before the grand jury, in the Holliday case?

Answer. Yes, sir.

Question. You came up here to testify what you have testified to us in regard to the assault on Holliday's house?

Answer. Yes, sir.

Question. I understood you to say that you know nothing personally of the attack; that you did not see the men either going or returning, and know nothing about it, except what you have heard from rumor?

Answer. Yes, sir.

Question. Did you say, on the night these men came to your house, that they came there to look for Mr. Booth, and that you knew none of the men at all, but thought you recognized one or two of the animals as belonging to Mr. Haney, but you recognized none of the riders?

Answer. I recognized none of the riders, only by the way they sat on their horses; I allowed that they were the same ones.

Question. And you thought the horse and mule which you recognized belonged to Haney?

Answer. Yes, sir.

Question. Was this Booth a very drunken character?

Answer. He drinks right smart, but he never gets clean down; he drinks to excess, but it never throws him.

Question. Had he any trouble in his family—with his wife, for instance?

Answer. I do not know that he ever had, only he would lay out from home drunk.

Question. Did you know anything about his wife having procured this visitation to him by these people?

Answer. No, sir.

Question. Do you know whether she had told him that, if he did not behave and do better, she would have these people visit him?

Answer. I have heard that rumored, that is all.

Question. Did they disturb any of your family when they came there to your house?

Answer. No, sir; none but Billy Booth.

Question. They called him out?

Answer. Yes, sir.

Question. Had he any whisky with him?

Answer. Yes, sir, a little.

Question. What did they say to him?

Answer. They said something about a notice that had been put up at his house three or four weeks before, and he had said about the settlement that some of the neighbors, boys had put up the notice. They asked him if he had said so, and he said that he would suffer his right arm to drop off if he had said it. The notice was, that if he did not stay at home they would give him three hundred, and if that did not do, they would give him six hundred.

Question. Was that all that they said to him?

Answer. That is all I recollect.

Question. Did they rebuke him for his drunkenness?

Answer. They cautioned him mightily about it, and told him not to do it any more, and quit lying out from home.

Question. That was all the fault they found with him?

Answer. Yes, sir.

Question. And then they rode away?

Answer. Yes, sir.

Question. That was the only time you ever saw them?

Answer. Yes, sir. I heard them talk afterward when I was in bed in another man's house.

Question. This man Nicholson never told you that he was a member of the order?

Answer. No, sir.

Question. But he suggested that you and he had better join it, and you promptly declined?

Answer. Yes, sir.

Question. That is all you know upon the subject?

Answer. That is all.

By the CHAIRMAN:

Question. What did you tell him when he asked if you would join?

Answer. I told him I would not join them for the world.

Question. What objection had you?

Answer. Because I knew it was not in favor of my country; that it was against the laws, and I am a law-abiding man.

Question. You thought it was a bad, mischievous, wrong organization?

Answer. Yes, sir. I did despise them; when they came to my house that night I was powerful mad with them. All the harm they did was to leave my fence down.

Question. Was Booth's wife kin to anybody that was supposed to belong to the Ku-Klux?

Answer. I have heard say, but I do not know that it is true, that her brother has been accused of it.

Question. What is her brother's name?

Answer. Jack Ross.

Question. You have been asked what you know about the Ku-Klux. Have you been at Mr. Holliday's house and seen the marks and signs on the house?

Answer. Yes, sir; I have been there. I saw that there were thirteen bullet-shot in his house. Mrs. Holliday told me that they shot three bullets after they got inside. I saw but one.

Question. Were there any marks on the door?

Answer. No, sir; I did not notice the door where it was bursted.

Question. Have they done any other mischief in the country there?

Answer. I believe that is the worst they have done, only I have heard of their whipping some negroes. The night they came to my house there were seventy-five at a black man's house, close to Mr. Holliday's, and they whipped a negro there.

Question. Was he whipped pretty severely?

Answer. Yes, sir. He came right on here and reported it; so it was said in the settlement.

Question. What was his name?

Answer. I forget his name; I never was acquainted with him.

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